



FILED

JUL 17 2026

GALE A. REEDER
CITY CLERK
CITY OF MICHIGAN CITY

A G E N D A
COMMON COUNCIL – IN PERSON - REGULAR MEETING

Tuesday, July 21, 2026

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.”

CALL TO ORDER BY COUNCIL PRESIDENT

PLEDGE OF ALLEGIANCE TO THE FLAG and PRAYER

ROLL CALL

APPROVAL OF MINUTES

Regular Council (Hybrid/Zoom) July 7, 2026

REPORTS OF STANDING COMMITTEES

FINANCE COMMITTEE MEETING

CLAIMS DOCKET

July 21, 2026

Fund #2235 – Riverboat – Claims -	\$	0.00
EFT	\$	0.00
Rainy Day (Fund 2236)	\$	0.00
Rainy Day EFT	\$	3,345.50
Fund #2504 – Boyd Development -	\$	0.00

TOTAL CLAIMS	\$	3,345.50
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REPORTS FROM BOARDS AND COMMISSIONS

REPORTS OF SPECIAL or SELECT COMMITTEES

REPORTS FROM MAYOR OR OTHER CITY OFFICERS AND DEPARTMENTS

Dr. Wendal McCollum, MCAS Superintendent, presenting MCAS operating referendum.

PETITIONS

COMMUNICATIONS

Correspondence was received in the Clerk's Office on July 17, 2026, from Carlie Dunn, regarding "Reflection of Leadership in Michigan City".

Correspondence was received in the Clerk's Office on July 15, 2026, from Socrates Gray regarding the building permit process requested for the Frank & Edward Skwiat American Legion Post 451.

Correspondence was received in the Clerk's Office on July 8, 2026, from Derald Burton, President of the Human Rights Commission requesting the council to propose a resolution or ordinance regarding that they will not stand for any form of hate speech from any elected official.

Correspondence was received in the Clerk's Office on July 7, 2026, from Ashley Williams, regarding a State Air Permit filed on June 29, 2026 for a second data center building "Project Monstera" located at 402 Royal Road.

Correspondence was received in the Clerk's Office on July 7, 2026, from Carlie Dunn regarding outstanding oversight of records and ordinance-enforcement issues.

Notice of 30-Day Period for Public Comment was received in the Clerk's Office on July 6, 2026, from Indiana Department of Environmental Management (IDEM) for Fiber Bond LLC.

RESOLUTIONS

APPROVING AND AUTHORIZING THE 2026 UNION CONTRACT BETWEEN THE MICHIGAN CITY FIREFIGHTERS LOCAL #475 AND THE CITY OF MICHIGAN CITY, INDIANA

Introduced by: Greg coulter
Don Przybylinski
Joseph Nelson

Note:Exhibit A was not received in the Clerk's Office.

RESOLUTION APPROVING THE USE OF THE INITIAL PAYMENT OF THE ECONOMIC INCENTIVE FUNDING FROM THE TAXPAYER AGREEMENT WITH LAVENDER FIELDS HOLDING, LLC (PROJECT MAIZE) TO ESTABLISH A MICHIGAN CITY UTILITY ASSISTANCE FUND FOR WATER/SEWER; FOR CAPITAL PURCHASES AND MAINTENACE FOR THE MICHIGAN CITY POLICE DEPARTMENT AND MICHIGAN CITY FIRE DEPARTMENT; AND DEPOSITING THE REMAINING FUNDS INTO THE RAINY DAY FUND

Introduced by: Tracie Tillman
Bryant Dabney
Dr. Vidya Kora

ORDINANCES

**ORDINANCE AMENDING THE SCHEDULE OF RATES AND CHARGES COLLECTED
1st Reading BY THE CITY OF MICHIGAN CITY, INDIANA FROM THE OWNERS OF
PROPERTY SERVED BY THE MICHIGAN CITY SANITARY DISTRICT
AND OTHER MATTERS CONNECTED THEREWITH**

Introduced by: Don Przybylinski
Bryant Dabney

**ORDINANCE AMENDING SEC. 54-153(2), SEC. 70-103(A), AND SEC. 54-157(D) OF
1st Reading THE MICHIGAN CITY MUNICIPAL CODE TO COMPLY WITH MINIMUM
AGE REQUIREMENTS FOR FIRE AND POLICE APPLICANTS AS SET
FORTH IN I.C. 36-8-3.5-12(a) AND I.C. 36-8-4.7-5**

Introduced by: Daisy Lee

**ORDINANCE
1st Reading**

**APPROVING ADDITIONAL APPROPRIATION IN THE BUDGET OF
THE RAINY DAY FUND FOR THE FLOCK CAMERA SYSTEM FOR
THE MICHIGAN CITY POLICE DEPARTMENT**

Introduced by: Bryant Dabney
Don Przybylinski
Dr. Vidya Kora

(DECREASE Rainy Day Fund #2236 Unappropriated balance \$300,000.00
INCREASE ACCOUNT#2235.202.445.050 \$300,000.00 Other Machinery &
Equipment- Other Machinery & Equip)

**ORDINANCE
2nd Reading**

**APPROVING ADDITIONAL APPROPRIATION IN THE BUDGET OF
THE GENERAL FUND FOR THE PURCHASE OF ROAD SALT &
SUPPLIES FOR THE STREET DEPARTMENT, VEHICLE LIFT
EXPENSE & MAINTENANCE EXPENSES FOR CENTRAL SERVICES,
AND CITY HALL REPAIRS**

Introduced by: Tracie Tillman
Bryant Dabney
Dr. Vidya Kora
Tim Bietry

(**DECREASE** 1101.000 Unappropriated balance \$345,000.00 **INCREASE**
ACCOUNT# 2202.000.422.024 \$170,000.00 Operating Supplies- Salt & Supplies
INCREASE ACCOUNT# 1101.108.436.020 \$150,000.00 (Repairs &
Maintenance - Equipment) **INCREASE** ACCOUNT# 1101.109.436.010
\$25,000.00 (Repairs & Maintenance - Building)

**Advertised in the
Herald Dispatch on
July 8 ,2026**

**Formal Public
Hearing will be held
July 21, 2026**

**Agenda July 21, 2026
Posted July 17, 2026**

**ORDINANCE
2nd Reading**

**APPROVING ADDITIONAL APPROPRIATION IN THE BUDGET OF THE
RAINY DAY FUND FOR STREET & SIDEWALK REPAIR**

Introduced by: Don Przybylinski
Bryant Dabney
Dr. Vidya Kora
Tim Bietry
Nancy Moldenhauer
Greg Coulter

(DECREASE Rainy Day Fund #2236 Unappropriated balance \$300,000.00
INCREASE ACCOUNT#2235.114.443.030 \$200,000.00 Street Repair &
Maintenance INCREASE ACCOUNT#2235.114.443.031 \$100,000.00
Sidewalk Repair & Maintenance)

**Advertised in the
Herald Dispatch on
July 8, 2026**

**Formal Public
Hearing will be held
July 21, 2026**

**ORDINANCE
2nd Reading**

**AUTHORIZING AND APPROVING A PAYMENT IN LIEU OF TAXES
("PILOT") AGREEMENT WITH GARDEN ESTATES PRESERVATION
LLC**

Introduced by: Tracie Tillman
Dr. Vidya Kora
Bryant Dabney
Tim Bietry

**ORDINANCE
2nd Reading**

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF
MICHIGAN CITY, INDIANA AMENDING THE TEXT OF
THE MICHIGAN CITY COMPREHENSIVE ZONING ORDINANCE NO.
4120 (REFERRED TO AS THE HOUSING INFILL AMENDMENT)**

Introduced by: Bryant Dabney

NEW BUSINESS

President Tillman is requesting to change the Tuesday, August 4th, 2026 regular scheduled council meeting at 6:30 p.m. to be held on Wednesday, August 5, 2026 at 6:30 p.m. due to the "National Police Night Out" being held between 5 p.m. and 8:00 p.m. on Tuesday August 4th.

UNFINISHED BUSINESS

NOMINATIONS: The Council has one (1) appointment to the Veterans Commission due to Danielle Corley resignation on June 2, 2026 (term will begin immediately and expire 12/31/28)

Application Received:

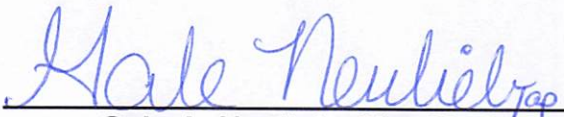
- Tracy Levay
- Blake Schoiber

Note: Nominations was carried over at the July 7, 2026, Council meeting until the July 21, 2026, Council meeting.

COMMENTS FROM THE PUBLIC

COMMENTS FROM THE COUNCIL

ADJOURNMENT


Gale A. Neulieb, City Clerk

You are invited to a Zoom webinar.

When: **Tuesday, July 21, 2026, 6:30 PM** Central Time (US and Canada)

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/84298000057?pwd=RXVRUkhobXI2aVE2R1UUR0VEVTI3dz09>

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

FILED

JUL 16 2026

GALE A. NEULIEB
CITY CLERK
CITY OF MICHIGAN CITY

MICHIGAN CITY COMMON COUNCIL

RESOLUTION _____

APPROVING AND AUTHORIZING THE 2026 UNION CONTRACT BETWEEN THE MICHIGAN CITY FIREFIGHTERS LOCAL #475 AND THE CITY OF MICHIGAN CITY, INDIANA

WHEREAS, there is a labor agreement currently in effect between the Michigan City Firefighters Local #475 and the City of Michigan City; and

WHEREAS, pursuant to I.C. 36-8-3-3, the Common Council is vested with the authority of establishing the compensation for members in the Michigan City Fire Department; and

WHEREAS, there have been successful negotiations between the Labor Relations Committee of the Common Council and the Michigan City Firefighters Local #475 to formulate certain changes and modifications in wages and language to the labor relations contract all of which have been incorporated into the contract which is attached hereto as "**Exhibit A**;" and

WHEREAS, the Labor Relations Committee recommends that the Common Council approve and authorize the 2026 contract attached hereto as "**Exhibit A**."

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

(1.) The aforementioned "whereas" paragraphs are hereby incorporated as though fully set forth in these resolving clauses.

(2.) The Common Council hereby approves the financial terms of the 2026 Union Contract between the Michigan City Firefighters Local #475 and the City of Michigan City, Indiana, which is attached hereto as "**Exhibit A**."

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

INTRODUCED BY: _____

Greg Coulter, Member
Michigan City Common Council

Don Przybylinski, Member
Michigan City Common Council

Joseph Nelson, Member
Michigan City Common Council

Passed by the Common Council of the City of Michigan City, Indiana, this _____ day of _____, 2026 by a vote of _____ to _____.

Tracie Tillman, President
Michigan City Common Council

Veto / Approved (*circle action taken*) by me, this _____ day of _____, 2026.

Angie Nelson Deutch, Mayor
City of Michigan City, Indiana

ATTEST:

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

Prepared by Corporation Counsel upon Request

MICHIGAN CITY COMMON COUNCIL

RESOLUTION _____

APPROVING THE USE OF THE INITIAL PAYMENT OF THE ECONOMIC INCENTIVE FUNDING FROM THE TAXPAYER AGREEMENT WITH LAVENDER FIELDS HOLDING, LLC (PROJECT MAIZE) TO ESTABLISH A MICHIGAN CITY UTILITY ASSISTANCE FUND FOR WATER/SEWER; FOR CAPITAL PURCHASES AND MAINTENANCE FOR THE MICHIGAN CITY POLICE DEPARTMENT AND MICHIGAN CITY FIRE DEPARTMENT; AND DEPOSITING THE REMAINING FUNDS INTO THE RAINY DAY FUND

WHEREAS, the City recognizes that protecting the health, safety and welfare of its residents is essential; and

WHEREAS, the City is undertaking significant investments to modernize aging water/sewer infrastructure to ensure safe, reliable utility service for current and future generations; and

WHEREAS, the Common Council recognizes that some households may experience financial hardship in meeting water/sewer utility obligations and desires to provide assistance to qualifying residents during this period of infrastructure investment; and

WHEREAS, the Common Council finds that establishing a water/sewer utility assistance program serves a valid public purpose by promoting public health, housing stability, and continued access to these essential utility services; and

WHEREAS, the City previously entered into a Taxpayer Agreement with Project Maize that will generate future revenues that will provide an opportunity to make a direct investment in Michigan City residents while advancing the City's long-term economic development strategy (See Resolution # 4974 entitled *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* (hereinafter referred to as "Taxpayer Agreement")); and

WHEREAS, pursuant to Section 2.02 of this Taxpayer Agreement, the City will receive the following financial economic incentives:

Section 2.02 Company Payments to the City.

(a) The Company shall pay to the City the following economic development incentive payments (the "EDI Payments"): (i) no later than ninety (90) days after written notice and receipt of invoice following the date on which the final certificate of occupancy is issued on the first Data Center Building, the amount of Five Million Five Hundred Thousand Dollars (\$5,500,000), and (ii) on the twelve month anniversary following the initial payment for each of the next thirty-nine years, the amount of Five Hundred Thousand Dollars (\$500,000). The EDI Payments shall not constitute a payment in lieu of any ad valorem tax liability charge, or fee of the City or any other overlapping taxing unit within Tax Unit 022 (Michigan City-Michigan Township) and shall be separate from and in addition to any regular annual installments of locally-assessed real property and personal property ad valorem tax liability due as the same may become due and payable in the ordinary course.

(b) No later than ninety (90) days after written notice and receipt of invoice following the issuance of a final certificate of occupancy for the first Data Center Building, the Company shall pay the following amounts: (a) One Million Dollars (\$1,000,000) to the Economic Development Corporation, Michigan City, Indiana to be used to support economic development projects and programs benefitting the City, and (ii) One Hundred Thousand Dollars (\$100,000) to the City to be used to pay costs of the segregation of sanitary sewers and storm water sewers.

WHEREAS, when the final certificate of occupancy for the first Data Center Building issues, the City will receive Five Million Five Hundred Thousand Dollars and 00/100 (\$5,500,000) and Five Hundred Thousand Dollars and 00/100 (\$500,000) every year thereafter for the next thirty-nine (39) years from this Taxpayer Agreement; and

WHEREAS, the Common Council supports the establishment of a Michigan City Utility Assistance Fund by future Ordinance to provide temporary water/sewer utility financial

assistance for qualifying residential customers, which may begin through the 2027 budget process by a future one-time appropriation from the aforementioned Taxpayer Agreement; and

WHEREAS, the purpose of the Michigan City Utility Assistance Fund would include, but not be limited to, providing temporary financial assistance to qualifying residential customers for the following:

- 1.) Water/sanitary utility charges;
- 2.) Past due utility balances for water/sanitary; and
- 3.) Emergency assistance to prevent interruption of water/sanitary utility services; and

WHEREAS, a local non-profit corporation, which already administers utility assistance program(s), would be the entity responsible for administering this Fund and would also be required to providing an annual report to the Common Council regarding use of said Fund, which said report would include but not be limited to the following information:

- 1.) Number of households assisted;
- 2.) Amount of assistance distributed;
- 3.) Remaining fund balance; and
- 4.) Program outcomes and recommendations; and

WHEREAS, in addition, to using funding from the Taxpayer Agreement to create a Michigan City Utility Assistance Fund, the Common Council finds that both the Michigan City Police Department (MCPD) and the Michigan City Fire Department (MCFD) are in need of upcoming capital purchases and maintenance expenses, such as a new fire truck, security infrastructure, and vehicles; and

WHEREAS, the Common Council reasonably believes it is in the best interest of the City and residents herein that the initial funding of Five Million Five Hundred Thousand Dollars (\$5,500,000) from the Taxpayer Agreement be utilized to fund the Michigan City Utility Assistance Fund; to provide for capital purchase and maintenance expenses for both the MCPD and MCFD; and the remaining monies be placed in the City's Rainy Day Fund.

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

(1.) The aforementioned "whereas" paragraphs are hereby incorporated as though fully set forth in these resolving clauses.

(2.) The Common Council hereby approves utilizing future funding from the Taxpayer Agreement for the following purposes and in the ensuing amounts:

- A. To establish a Michigan City Utility Assistance Fund in the amount of Five Hundred Thousand Dollars (\$500,000); and
- B. For capital purchases for both the Michigan City Fire Department and Police Department in the total amount of Two Million Five Hundred Thousand Dollars (\$2,500,000) of which approximately One Million Five Hundred Thousand (\$1,500,000) would be allocated to MCFD and approximately One Million Dollars (\$1,000,000) would be allocated to MCPD; and
- C. The remaining Two Million Five Hundred Thousand Dollars (\$2,500,000) shall be deposited in the Rainy Day Fund.

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

INTRODUCED BY: _____

Tracie Tillman, President
Michigan City Common Council

Bryant Dabney, Member
Michigan City Common Council

Dr. Vidya Kora, Member
Michigan City Common Council

Passed by the Common Council of the City of Michigan City, Indiana, this _____ day of _____, 2026 by a vote of _____ to _____.

Tracie Tillman, President
Michigan City Common Council

Veto / Approved (*circle action taken*) by me, this _____ day of _____, 2026.

Angie Nelson Deutch, Mayor
City of Michigan City, Indiana

ATTEST:

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

Prepared by Corporation Counsel upon Request

FILED

JUL 16 2026

GALE A. HEDGECOCK
CITY CLERK
CITY OF MICHIGAN CITY

MICHIGAN CITY, INDIANA

ORDINANCE NO. _____

AMENDING THE SCHEDULE OF RATES AND CHARGES COLLECTED BY THE CITY OF MICHIGAN CITY, INDIANA FROM THE OWNERS OF PROPERTY SERVED BY THE MICHIGAN CITY SANITARY DISTRICT AND OTHER MATTERS CONNECTED THEREWITH

WHEREAS, the City of Michigan City, Indiana ("City") has heretofore constructed and has in operation its municipal sanitary district ("District") for the collection, treatment, and disposal of sewage under the provisions of IC 36-9-25; and

WHEREAS, the City Council previously adopted Ordinance No. 2837, 5-23-1985; Ordinance No. 3187, 10-2-1990; and Ordinance No. 3941, 12-21-2004, as codified in Section 98-343, et. seq. of the Code of Ordinances of the City (collectively, "Rate Ordinance") establishing the sewer rates and charges for the use and services rendered by the District; and

WHEREAS, the District, in cooperation with the City, has caused a rate study that was completed on December 16, 2025 by the firm of O.W. Krohn & Associates, LLP., Westfield, Indiana, in connection with the proposed construction of additions and improvements to its sewage works system; and

WHEREAS, on July 9, 2026, the District held a public hearing regarding this proposed Amendment to the Schedule of Rates and Charges Collected by the City of Michigan City, Indiana from the Owners of Property Served by the Michigan City Sanitary District and Other Matters Connected Therewith; and

WHEREAS, following the public hearing the District adopted Resolution #2026-71 entitled "A Resolution Authorizing an Amended Schedule of Rates and Charges Collected by the City of Michigan City, Indiana, From the Owners of Property Served by the Michigan City Sanitary District and Other Matters Connected Therewith" approving the amendment to the schedule of rates and charges and recommending this matter to the Common Council (A copy of the Districts Resolution is attached hereto and incorporated herein as **Exhibit D**); and

WHEREAS, based upon such rate study, the City Council finds that the rates and charges established by the existing Rate Ordinance are insufficient to enable the City to properly operate the Sanitary District's Sewer System in a sound physical and financial manner, to service its outstanding and proposed bonds needed to finance additions and improvements to its sewage works system and to provide adequate working capital and reserves.

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

Section 1. The following rates established in the City's existing Rate Ordinance are hereby amended and the new rates are hereby established in **Exhibit A**, **Exhibit B**, and **Exhibit C**, which are attached hereto and incorporated herein.

Section 2. The rates established in **Exhibit A** herein shall take effect in two (2) phases. The initial phase becoming effective on September 1, 2026 and the secondary phase becoming effective on January 1, 2028. The non-recurring charges in **Exhibits B & Exhibit C** shall become effective upon passage.

Section 3. The Phase 1 rates set forth in **Exhibit A** shall become due beginning with the first billing cycle of the District in October 2026. The Phase 2 rates set forth in **Exhibit A** shall become due beginning with the first billing cycle of the District in February, 2028.

Section 4. All other provisions of, and all other rates and charges established by, the Rate Ordinance not specifically referenced herein shall remain in full force and effect.

Section 5. This Ordinance shall be in full force and effect from and after its passage.

INTRODUCED BY: _____
Don Przybylinski, Member
Michigan City Common Council

Bryant Dabney, Member
Michigan City Common Council

Passed by the Common Council of the City of Michigan City, Indiana, this _____ day of _____, 2026 by a vote of _____ to _____.

Tracie Tillman, President
Michigan City Common Council

Approved/Vetoed (circle appropriate action) by me, this _____ day of _____, 2026.

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

EXHIBIT A

CITY OF MICHIGAN CITY - SANITARY DISTRICT

EXHIBIT A

SCHEDULE OF WASTEWATER RATES AND CHARGES
MONTHLY METERED & NON-METERED USER CHARGES

MONTHLY METERED RATES (PER 100 CUBIC FEET - CCF):			Phase 1		Phase 2		
	INSIDE CITY		INSIDE CITY	OUTSIDE CITY	INSIDE CITY	OUTSIDE CITY	
			14.5% SURCHARGE		14.5% SURCHARGE		
TIER 1:	INSIDE CITY	FIRST 1,200 CCF OF USAGE / MO.	\$ 3.59	\$ 4.11	\$ 4.48	\$ 5.13	
TIER 2:	INSIDE CITY	OVER 1,200 CCF OF USAGE / MO.	\$ 10.17	\$ 11.64	\$ 12.70	\$ 14.54	
MONTHLY BASE CHARGES:			Phase 1		Phase 2		
METER SIZE:	INSIDE CITY		INSIDE CITY	OUTSIDE CITY	INSIDE CITY	OUTSIDE CITY	
			14.5% SURCHARGE		14.5% SURCHARGE		
5/8 INCH METER	\$ 20.92		\$ 23.95		\$ 26.11	\$ 29.90	
3/4 INCH METER	31.39		35.94		39.18	44.86	
1 INCH METER	52.31		59.89		65.29	74.76	
1 1/2 INCH METER	121.34		138.93		151.44	173.40	
2 INCH METER	209.21		239.55		261.12	298.98	
3 INCH METER	481.18		550.95		600.57	687.65	
4 INCH METER	836.84		958.18		1,044.47	1,195.92	
6 INCH METER	1,903.80		2,179.85		2,376.17	2,720.71	
8 INCH METER	3,389.19		3,880.62		4,230.11	4,843.48	
12 INCH METER	7,636.13		8,743.37		9,530.81	10,912.78	
MINIMUM CHARGES:			Phase 1		Phase 2		
			INSIDE CITY	OUTSIDE CITY	INSIDE CITY	OUTSIDE CITY	
EQUAL TO MONTHLY BASE CHARGE PLUS 270 CU. FT. USAGE	\$ 30.61		\$ 35.05		\$ 38.21	\$ 43.75	
FLAT FEES - WELL CUSTOMERS (5/8 BASE + 750 CU. FT.):			Phase 1		Phase 2		
			INSIDE CITY	OUTSIDE CITY	INSIDE CITY	OUTSIDE CITY	
			14.5% SURCHARGE		14.5% SURCHARGE		
CUSTOMER CHARGE	\$ 46.05		\$ 52.73		\$ 57.47	\$ 65.80	
SEPTAGE HAULERS (PER GALLON):			Phase 1		Phase 2		
			INSIDE CITY	OUTSIDE CITY	INSIDE CITY	OUTSIDE CITY	
REGULAR	\$ 0.113		\$ 0.113		\$ 0.113	\$ 0.113	
HOLDING TANK	0.057		0.057		0.057	0.057	
EXCESSIVE STRENGTH CHARGES (PER POUND):			Phase 1		Phase 2		
			INSIDE CITY	OUTSIDE CITY	INSIDE CITY	OUTSIDE CITY	
			14.5% SURCHARGE		14.5% SURCHARGE		
CBOD (IN EXCESS OF 250 MG/L)	\$ 0.55		\$ 0.63		\$ 0.68	\$ 0.78	
SUSPENDED SOLIDS (IN EXCESS OF 250 MG/L)	0.57		0.65		0.71	0.81	
PHOSPHORUS (IN EXCESS OF 6 MG/L)	0.56		0.64		0.70	0.80	
AMMONIA NITROGEN (IN EXCESS OF 20 MG/L)	0.67		0.77		0.83	0.95	

The monthly user fees above apply to all users of the Michigan City Sanitary District's wastewater customers. The monthly User Charges include a 14.5% outside city surcharge for customers of the District that are located outside of the corporate limits of the City of Michigan City.

EXHIBIT B

CITY OF MICHIGAN CITY - SANITARY DISTRICT

EXHIBIT B

SCHEDULE OF WASTEWATER RATES AND CHARGES
FEES FOR NEW DEVELOPMENT AND SERVICE UPGRADES

SDC = System Development Charge - Payable at Time of Building Permit Issuance

PPR = Preliminary Plan Review Fee - Payable by Developer at Time Plans are Filed with City

IF = Inspection Fee - Payable by the Builder prior to backfilling the pipe connections

<u>METER SIZE</u>	<u>EDU RATIO</u>	<u>SDC FEE \$10 PER GPD</u>	<u>PPR FEE PER CONNECTION</u>	<u>INSPECT FEE PER CONNECTION</u>
		(1)	(2)	(3)
5/8 INCH METER	1.0	\$ 3,000.00	\$ 40.00	\$ 250.00
3/4 INCH METER	1.5	4,500.00	60.00	380.00
1 INCH METER	2.5	7,500.00	100.00	630.00
1 1/2 INCH METER	5.8	17,400.00	230.00	1,450.00
2 INCH METER	10.0	30,000.00	400.00	2,500.00
3 INCH METER	23.0	69,000.00	920.00	2,500.00
4 INCH METER	40.0	120,000.00	1,600.00	2,500.00
6 INCH METER	91.0	273,000.00	3,640.00	2,500.00
8 INCH METER	162.0	486,000.00	5,000.00	2,500.00
12 INCH METER	365.0	1,095,000.00	5,000.00	2,500.00

- (1) Based up \$10 per GPD (gallons / day) - 300 GPD per EDU (equivalent dwelling unit)
 Oversized meters proportional to area ratio indexing
- (2) Based up \$40 per EDU (i.e. 100 unit subdivision would pay \$2,500 PPR Fee)
 Oversized meters proportional to area ratio indexing maximum fee of \$5,000.
- (3) Based upon \$250 per EDU, indexed up to \$2,500 maximum fee.
 Re-inspection Fees due to contractor errors will increase 25% for each re-inspection

The one-time fees for new development and service upgrades above apply to developers and builders requesting new services for new construction and / or expansion and upgrades to existing services and connections. The System Development Charges require new development to pay for the capacity allocation attributable to their respective new developments. While meter size is a primary determinant for determining the number of EDUs, 327 IAC delineates minimum flow standards for various uses and can be utilized for determining EDUs for apartment buildings, commercial buildings and other mixed use building connections. The District may apply the greater of the two techniques in determining System Development Charges. Preliminary Plan Review Fees will also apply to new developments in order to cover the District's costs associated with engineering review of proposed plans to ensure that the new development complies with the District's standards for new construction and connection to the sanitary sewage works system.

Similarly, Connection Inspection Fees are designed to cover the District's cost of inspection and review of the actual construction / connection.

EXHIBIT C

CITY OF MICHIGAN CITY - SANITARY DISTRICT

EXHIBIT C

SCHEDULE OF WASTEWATER RATES AND CHARGES
PERMIT & INSPECTION FEES

1. Sanitary Sewer Related Class 1 Residential

a. Permit Type 1A - Single Family Residence	\$250.00
b. Permit Type 1B - Multiple Unit Residence (Per Unit)	\$187.50
c. Permit Type 1C - Residential Sewer Repair (Clean Out or Lateral)	\$250.00

2. Sanitary Sewer Related Class 2 Non-Residential

a. Permit Type 2A - Commercial Establishment (Per EDU)	\$250.00
b. Permit Type 2B - Industrial Establishment (Per EDU)	\$250.00
c. Permit Type 2C - Institutional Establishment (Per EDU)	\$250.00
d. Permit Type 2D - Miscellaneous Non-Residential (Per EDU)	\$250.00
e. Permit Type 2E - Non-Residential Sewer Repair (Per EDU)	\$250.00
f. Application Fee 2F Fats, Oil & Grease Dischargers	\$250.00
g. Fats, Oil & Grease - Monthly Monitoring Fee (Annual Inspections)	\$25.00

3. Sanitary Sewer Related Class 3 Sewer Mains, Pumping Station, Other

a. Permit Type 3A - Sewer Extension Involving Gravity Sewer Mains, Pressure (Force) Mains, Pumping Stations	Actual Cost but Not Less Than \$1,000
b. Application Fee 3B - Waste Hauler Bi-Annual Permits (per Hauler)	\$125.00
c. Striebel Pond Rental Fees 3C - Gazebo or Shelters per Weekend Day	\$50.00

4. Stormwater/Drainage Related Class 4

a. Permit Type 4A - Stormwater Management Permit (Reference: Municipal Code Section 46-316)	Actual Cost but Not Less Than \$500
b. Permit Type 4B - Individual Lot Plot Plan Permit (Reference: Municipal Code Section 46-318)	Actual Cost but Not Less Than \$250
c. Permit Type 4C - Connection to Storm Sewer System	Actual Cost but Not Less Than \$250
d. Permit Type 4D - Building Sump Pump Drain	Actual Cost but Not Less Than \$250

5. Inspection Fees Class 5

a. Permit Type 5A - Reinspection of failed inspection for Class 1 through 4 Permit Types	125% of Permit Fee
b. Permit Type 5B - Reinspection of Corrective Actions Associated with Erosion & Sediment Control Violations	125% of Permit Fee
c. Permit Type 5C - Reinspection of Corrective Actions Associated with Illicit Discharge Violations	125% of Permit Fee
d. Permit Type 5D - Reinspection of Corrective Actions Associated with Fats, Oil, Grease Discharge Violations - Per Violation	125% of Permit Fee

EXHIBIT D- Sanitary District Resolution #2026-71

COPY

**BOARD OF COMMISSIONERS OF THE
MICHIGAN CITY SANITARY DISTRICT**

FILED

JUL 10 2026

GALE A. NEULIEG
CITY CLERK
CITY OF MICHIGAN CITY

RESOLUTION #2026-71

**A RESOLUTION AUTHORIZING AN AMENDED SCHEDULE OF RATES AND
CHARGES COLLECTED BY THE CITY OF MICHIGAN CITY, INDIANA, FROM
THE OWNERS OF PROPERTY SERVED BY THE MICHIGAN CITY SANITARY
DISTRICT AND OTHER MATTERS CONNECTED THEREWITH**

WHEREAS, Michigan City Sanitary District ("MCSD" or "District") is established as an executive department of the City of Michigan City pursuant to Indiana Code 36-9-25 and manages the district's wastewater and stormwater through municipal ordinances, including Ordinance No. 4770; and

WHEREAS, MCSD manages the sewer systems, stormwater and water quality within its district in accordance with the regulations of the State of Indiana, namely 327 IAC 1, et seq., and the federal Clean Water Act, as amended in 1972 (33 U.S.C. §§1251-1387); and

WHEREAS, the City of Michigan City, Indiana ("City") has heretofore constructed and has in operation its municipal sanitary district ("District") for the collection, treatment, and disposal of sewage under the provisions of IC 36-9-25; and

WHEREAS, the City Council previously adopted Ordinance No. 2837, 5-23-1985; Ordinance No. 3187, 10-2-1990; and Ordinance No. 3941, 12-21-2004, as codified in Section 98-343, et. seq. of the Code of Ordinances of the City (collectively, "Rate Ordinance") establishing the sewer rates and charges for the use and services rendered by the District; and

WHEREAS, the District, in cooperation with the City, has caused a rate study that was completed on December 16, 2025 by the firm of O.W. Krohn & Associates, LLP., Westfield, Indiana, in connection with the proposed construction of additions and improvements to its sewage works system; and

WHEREAS, based upon such rate study, the District finds that the rates and charges established by the existing Rate Ordinance are insufficient to enable the City to properly operate the Sanitary District's Sewer System in a sound physical and financial manner, to service its outstanding and proposed bonds needed to finance additions and improvements to its sewage works system and to provide adequate working capital and reserves.

NOW, THEREFORE, BE IT RESOLVED, BY THE BOARD OF COMMISSIONERS OF THE MICHIGAN CITY SANITARY DISTRICT, THAT:

Section 1. The following rates established in the City's existing Rate Ordinance are hereby amended by Resolution of this Board and recommended for final amendment by Ordinance of the City Council to be restated as follows in Exhibit A, Exhibit B and Exhibit C. Exhibit A applies to

existing customers of the District. Exhibit B and portions of Exhibit C apply to new construction from builders and developers to cover the cost of capacity allocations due to customer growth. Exhibit C includes application and permit fees for new development and for other customers that require periodic monitoring and inspection services from the District.

SECTION 1, EXHIBIT A

CITY OF MICHIGAN CITY - SANITARY DISTRICT				EXHIBIT A			
SCHEDULE OF WASTEWATER RATES AND CHARGES							
MONTHLY METERED & NON-METERED USER CHARGES							
MONTHLY METERED RATES (PER 100 CUBIC FEET - CCF):				Phase 1		Phase 2	
				INSIDE CITY	OUTSIDE CITY	INSIDE CITY	OUTSIDE CITY
TIER 1: INSIDE CITY FIRST 1,200 CCF OF USAGE / MO.				\$ 3.59	\$ 4.11	\$ 4.48	\$ 5.13
TIER 2: INSIDE CITY OVER 1,200 CCF OF USAGE / MO.				\$ 10.17	\$ 11.64	\$ 12.70	\$ 14.54
MONTHLY BASE CHARGES:				Phase 1		Phase 2	
METER SIZE:				INSIDE CITY	OUTSIDE CITY	INSIDE CITY	OUTSIDE CITY
5/8 INCH METER				\$ 20.92	\$ 23.95	\$ 26.11	\$ 29.90
3/4 INCH METER				31.39	35.94	39.18	44.86
1 INCH METER				52.31	59.89	65.29	74.76
1 1/2 INCH METER				121.34	138.93	151.44	173.40
2 INCH METER				209.21	239.55	261.12	298.98
3 INCH METER				481.18	550.95	600.57	687.65
4 INCH METER				836.84	958.18	1,044.47	1,195.92
6 INCH METER				1,903.80	2,179.85	2,376.17	2,720.71
8 INCH METER				3,389.19	3,880.62	4,230.11	4,843.48
12 INCH METER				7,636.13	8,743.37	9,530.81	10,912.78
MINIMUM CHARGES:				Phase 1		Phase 2	
EQUAL TO MONTHLY BASE CHARGE PLUS 270 CU. FT. USAGE				\$ 30.61	\$ 35.05	\$ 38.21	\$ 43.75
FLAT FEES - WELL CUSTOMERS (5/8 BASE + 750 CU. FT.):				Phase 1		Phase 2	
CUSTOMER CHARGE				INSIDE CITY	OUTSIDE CITY	INSIDE CITY	OUTSIDE CITY
				\$ 46.05	\$ 52.73	\$ 57.47	\$ 65.80
SEPTAGE HAULERS (PER GALLON):				INSIDE CITY	OUTSIDE CITY	INSIDE CITY	OUTSIDE CITY
REGULAR				\$ 0.150	\$ 0.150	\$ 0.188	\$ 0.188
HOLDING TANK				0.076	0.076	0.095	0.095
EXCESSIVE STRENGTH CHARGES (PER POUND):				Phase 1		Phase 2	
				INSIDE CITY	OUTSIDE CITY	INSIDE CITY	OUTSIDE CITY
CBOD (IN EXCESS OF 250 MG/L.)				\$ 0.55	\$ 0.63	\$ 0.68	\$ 0.78
SUSPENDED SOLIDS (IN EXCESS OF 250 MG/L.)				0.57	0.65	0.71	0.81
PHOSPHORUS (IN EXCESS OF 6 MG/L.)				0.56	0.64	0.70	0.80
AMMONIA NITROGEN (IN EXCESS OF 20 MG/L.)				0.67	0.77	0.83	0.95

The monthly user fees above apply to all users of the Michigan City Sanitary District's wastewater customers. The monthly User Charges include a 14.5% outside city surcharge for customers of the District that are located outside of the corporate limits of the City of Michigan City.

SECTION 1, EXHIBIT B

EXHIBIT B

CITY OF MICHIGAN CITY - SANITARY DISTRICT
SCHEDULE OF WASTEWATER RATES AND CHARGES
FEEES FOR NEW DEVELOPMENT AND SERVICE UPGRADES

SDC = System Development Charge - Payable at Time of Building Permit Issuance
PPR = Preliminary Plan Review Fee - Payable by Developer at Time Plans are Filed with City
IF = Inspection Fee - Payable by the Builder prior to backfilling the pipe connections

<u>METER SIZE</u>	<u>EDU RATIO</u>	<u>SDC FEE \$10 PER GPD</u>	<u>PPR FEE PER CONNECTION</u>	<u>INSPECT FEE PER CONNECTION</u>
		(1)	(2)	(3)
5/8 INCH METER	1.0	\$ 3,000.00	\$ 40.00	\$ 250.00
3/4 INCH METER	1.5	4,500.00	60.00	380.00
1 INCH METER	2.5	7,500.00	100.00	630.00
1 1/2 INCH METER	5.8	17,400.00	230.00	1,450.00
2 INCH METER	10.0	30,000.00	400.00	2,500.00
3 INCH METER	23.0	69,000.00	920.00	2,500.00
4 INCH METER	40.0	120,000.00	1,600.00	2,500.00
6 INCH METER	91.0	273,000.00	3,640.00	2,500.00
8 INCH METER	162.0	486,000.00	5,000.00	2,500.00
12 INCH METER	365.0	1,095,000.00	5,000.00	2,500.00

- (1) Based up \$10 per GPD (gallons / day) - 300 GPD per EDU (equivalent dwelling unit)
Oversized meters proportional to area ratio indexing
- (2) Based up \$40 per EDU (i.e. 100 unit subdivision would pay \$2,500 PPR Fee)
Oversized meters proportional to area ratio indexing maximum fee of \$5,000.
- (3) Based upon \$250 per EDU, indexed up to \$2,500 maximum fee.
Re-inspection Fees due to contractor errors will increase 25% for each re-inspection

The one-time fees for new development and service upgrades above apply to developers and builders requesting new services for new construction and / or expansion and upgrades to existing services and connections. The System Development Charges require new development to pay for the capacity allocation attributable to their respective new developments. While meter size is a primary determinant for determining the number of EDUs, 327 IAC delineates minimum flow standards for various uses and can be utilized for determining EDUs for apartment buildings, commercial buildings and other mixed

use building connections. The District may apply the greater of the two techniques in determining System Development Charges. Preliminary Plan Review Fees will also apply to new developments in order to cover the District's costs associated with engineering review of proposed plans to ensure that the new development complies with the District's standards for new construction and connection to the sanitary sewage works system. Similarly, Connection Inspection Fees are designed to cover the District's costs of inspection and review of the actual construction / connection.

SECTION 1, EXHIBIT C

CITY OF MICHIGAN CITY - SANITARY DISTRICT		EXHIBIT C
<u>SCHEDULE OF WASTEWATER RATES AND CHARGES</u>		
PERMIT & INSPECTION FEES		
1. Sanitary Sewer Related Class 1 Residential		
a. Permit Type 1A - Single Family Residence		\$250.00
b. Permit Type 1B - Multiple Unit Residence (Per Unit)		\$187.50
c. Permit Type 1C - Residential Sewer Repair (Clean Out or Lateral)		\$250.00
2. Sanitary Sewer Related Class 2 Non-Residential		
a. Permit Type 2A - Commercial Establishment (Per EDU)		\$250.00
b. Permit Type 2B - Industrial Establishment (Per EDU)		\$250.00
c. Permit Type 2C - Institutional Establishment (Per EDU)		\$250.00
d. Permit Type 2D - Miscellaneous Non-Residential (Per EDU)		\$250.00
e. Permit Type 2E - Non-Residential Sewer Repair (Per EDU)		\$250.00
f. Application Fee 2F Fats, Oil & Grease Dischargers		\$250.00
g. Fats, Oil & Grease - Monthly Monitoring Fee (Annual Inspections)		\$25.00
3. Sanitary Sewer Related Class 3 Sewer Mains, Pumping Station, Other		
a. Permit Type 3A - Sewer Extension Involving Gravity Sewer Mains, Pressure (Force) Mains, Pumping Stations	Actual Cost but Not Less Than \$1,000	
b. Application Fee 3B - Waste Hauler Bi-Annual Permits (per Hauler)		\$125.00
c. Strickel Pond Rental Fees 3C - Gazebo or Shelters per Weekend Day		\$50.00
4. Stormwater/Drainage Related Class 4		
a. Permit Type 4A - Stormwater Management Permit (Reference: Municipal Code Section 46-316)	Actual Cost but Not Less Than \$500	
b. Permit Type 4B - Individual Lot Plot Plan Permit (Reference: Municipal Code Section 46-318)	Actual Cost but Not Less Than \$250	
c. Permit Type 4C - Connection to Storm Sewer System	Actual Cost but Not Less Than \$250	
d. Permit Type 4D - Building Sump Pump Drain	Actual Cost but Not Less Than \$250	
5. Inspection Fees Class 5		
a. Permit Type 5A - Reinspection of failed inspection for Class 1 through 4 Permit Types		125% of Permit Fee
b. Permit Type 5B - Reinspection of Corrective Actions Associated with Erosion & Sediment Control Violations		125% of Permit Fee
c. Permit Type 5C - Reinspection of Corrective Actions Associated with Illicit Discharge Violations		125% of Permit Fee
d. Permit Type 5D - Reinspection of Corrective Actions Associated with Fats, Oil, Grease Discharge Violations - Per Violation		125% of Permit Fee

Section 2. The rates established herein shall take effect in two (2) phases. The initial phase becoming effective on September 1, 2026 and the secondary phase becoming effective on January 1, 2028.

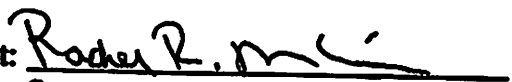
Section 3. The Phase 1 rates herein established shall become due beginning with the first billing cycle of the District in October, 2026. The Phase 2 rates herein established shall become due beginning with the first billing cycle of the District in February, 2028.

Section 4. All other provisions of, and all other rates and charges established by, the Rate Ordinance not specifically referenced herein shall remain in full force and effect.

Section 5. This Resolution shall be in full force and effect from and after its passage.

Approved by the Board of Sanitary Commissioners this 9th day of July, 2026.


Don Babcock, President

Attest: 
Secretary

Prepared by Harris Law Firm, P.C. Upon Request

MICHIGAN CITY COMMON COUNCIL

ORDINANCE NO. _____

AMENDING SEC. 54-153(2), SEC. 70-103(A), AND SEC. 54-157(D) OF THE MICHIGAN CITY MUNICIPAL CODE TO COMPLY WITH MINIMUM AGE REQUIREMENTS FOR FIRE AND POLICE APPLICANTS AS SET FORTH IN I.C. 36-8-3.5-12(a) AND I.C. 36-8-4.7-5

WHEREAS, in 2023, the Indiana General Assembly increased the maximum age of fire and police department applicants to under 40 years of age, and more specifically, I.C. 36-8-3.5-12(a)(3) states as follows:

“(a) Subject to [IC 36-8-4.7](#), to be appointed to the department, an applicant must be:

(1) a citizen of the United States;

(2) a high school graduate or equivalent; and

(3) at least twenty-one (21) years of age, but under forty (40) years of age.

However, the age requirements do not apply to a person who has been previously employed as a member of the department...”

WHEREAS, in 2026, the Indiana General Assembly recently adopted I.C. 36-8-4.7-5, which provides a waiver for police and fire applicants not more than forty (40) years and six (6) months if the applicant served at least twenty (20) years in the military and meets all the other requirements of I.C. 36-8-4.7-5(b), which is fully stated below:

“IC 36-8-4.7-5 Waiver of maximum age for appointment to police or fire department; waiver requirements; 1977 fund membership

Sec. 5. (a) Notwithstanding any contrary law, an appointing authority shall waive any age restriction for a person not more than forty (40) years and six (6) months of age that applies to the appointment and hiring of an individual as:

(1) a member of the police department; or

(2) a member of the fire department;

if the individual meets the requirements of subsection (b).

(b) An individual who meets all the following requirements is entitled to the waiver described in subsection (a):

(1) On the date the individual applies to be appointed and hired as:

(A) a member of the police department; or

(B) a member of the fire department;

the individual is a veteran who has completed at least twenty (20) years of military service.

(2) The individual received or is eligible to receive a discharge from the armed forces of the United States under conditions other than conditions set forth in [IC 10-17-12-8.1\(2\)](#).

(3) The individual meets all other requirements for appointment and hiring as:

(A) a member of the police department; or

(B) a member of the fire department;

including all physical requirements.

(c) An individual who is entitled to the waiver described in subsection (a) is eligible to become a member of the 1977 fund.”

WHEREAS, on August 3, 2023, the City enacted Ordinance #4695 which amended various Michigan City Municipal Code sections to reflect that age of police and fire applicants was increased to the age of under forty (40) years; and

WHEREAS, the need now exists to amend various sections of the Michigan City Municipal Code to incorporate the recent 2026 legislative change regarding the waiver provision of I.C. 36-8-4.7-5 for applicants to both the police and fire departments that are not more than forty (40) years and six (6) months if the applicant served at least twenty (20) years in the military and meets all the other requirements of I.C. 36-8-4.7-5(b); and

WHEREAS, in addition, the Michigan City Fire Department administration has recently

discovered another section in the Michigan City Municipal Code that needs to also be amended to increase the maximum age of fire applications to under forty (40) years of age, and more specifically, Sec. 54-157(d) currently states as follows:

“(d) If an applicant for original appointment reaches his thirty-sixth birthday, his name shall be removed from the eligibility list. Applicants remain on the list for two years from the date of certification. After two years a person may reapply as an applicant;” and

WHEREAS, the need exists to now amend the following sections in the Michigan City Municipal Code:

- A. Section 54-153(2) to recognize the waiver provision set forth in I.C. 36-8-4.7-5 with respect to applicants who served at least twenty (20) years in the military;
- B. Section 70-103(a) to recognize the waiver provision set forth in I.C. 36-8-4.7-5 with respect to applicants who served at least twenty (20) years in the military; and
- C. Sec. 54-157(d) to increase the age of fire applicants to under forty (40) years and recognize the waiver provision set forth in I.C. 36-8-4.7-5.

NOW THEREFORE, BE IT ORDAINED, by the Michigan City Common Council as follows:

- 1. The first sentence of Sec. 54-153(2) of the Michigan City Municipal Code should be amended to now read as follows:
An applicant must meet all of the following requirements. The applicant shall be:
 - (2) At least 21 years old at the time of making application and under the age of forty (40) years of age at the time of entrance into the fire department, unless the applicant qualifies for the waiver as set forth in I.C. 36-8-4.7-5,...
- 2. The first sentence of Section 70-103(a) of the Michigan City Municipal Code should be amended to now read as follows:
 - (a) In order to be eligible for appointment to the police department an applicant must be at least 21 years of age and under the age of forty (40) years, unless the applicant qualifies for the waiver as set forth in I.C. 36-8-4.7-5,...
- 3. Sec. 54-157(d) of the Michigan City Municipal Code shall be amended to read as follows:
 - (d) If an applicant for original appointment reaches his 40th birthday, and the waiver provisions set forth in I.C. 36-8-4.7-5 do not apply, his/her name shall be removed from the eligibility list. Applicants remain on the list for two years from the date of certification. After two years a person may reapply as an applicant.

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

INTRODUCED BY: _____
Daisy Lee, Member
Michigan City Common Council

Passed by the Common Council of the City of Michigan City, Indiana, this _____ day of _____, 2026 by a vote of _____ to _____.

Tracie Tillman, President
Michigan City Common Council

Approved/Vetoed (circle appropriate action) by me, this _____ day of _____, 2026.

Angie Nelson Deutch, Mayor
City of Michigan City, Indiana

ATTEST:

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

Prepared by Corporation Counsel Upon Request

MICHIGAN CITY COMMON COUNCIL

ORDINANCE NO. _____

APPROVING ADDITIONAL APPROPRIATION IN THE BUDGET OF THE
RAINY DAY FUND FOR THE FLOCK CAMERA SYSTEM FOR THE MICHIGAN
CITY POLICE DEPARTMENT

WHEREAS, the City has previously invested in the Flock License Plate Reader and Raven Gunshot Detection systems; and

WHEREAS, these tools are frequently used by the Michigan City Police Department (MCPD) and have become integral to patrol operations and criminal investigations; and

WHEREAS, the MCPD seeks to continue with these services and also to expand the capabilities of these services (ie: community cameras; live view cameras, drones, etc...) while closing operational information gaps; and

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 2026 Annual Budget to fund the flock system for the Michigan City Police Department; and

WHEREAS, the City Controller has determined that sufficient unappropriated funds are available in the Rainy Day Fund #2236 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 Rainy Day Fund #2236 Unappropriated balance	\$300,000.00	
INCREASE ACCOUNT#2235.202.445.050 Other Machinery & Equipment- Other Machinery & Equip		\$300,000.00
TOTAL FOR FUND	\$300,000.00	

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: _____

Bryant Dabney, Member
Michigan City Common Council

Don Przybylinski, Member
Michigan City Common Council

Dr. Vidya Kora, Member
Michigan City Common Council

Passed by the Common Council of the City of Michigan City, Indiana, this _____
day of _____, 2026 by a vote of _____ to _____.

Tracie Tillman, President
Michigan City Common Council

Approved/Vetoed (circle choice) by me, this _____ day of _____, 2026.

Angie Nelson Deutch, Mayor
City of Michigan City, Indiana

ATTEST:

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

Prepared by Corporation Counsel Upon Request



FILED

JUL 14 2026

GALE A. NEULIEB
CITY CLERK
CITY OF MICHIGAN CITY

Office of Mayor Angie Nelson Deutch

(219) 873-1400 | mayorangie@emichigancity.com
100 E Michigan Boulevard, Michigan City, Indiana 46360

July 13, 2026

Michigan City Common Council
100 E. Michigan Boulevard
Michigan City, IN 46360

Re: Approving Additional Appropriation in the Budget of the Rainy Day Fund for the Flock Camera System for the Michigan City Police Department

I respectfully request that the Common Council approve an additional appropriation in the amount of \$300,000.00 for the Michigan City Police Department (MCPD) to continue and also expand and enhance the City's public safety technology program known as the Flock Camera System.

This appropriation will fund not only the continued deployment of the Flock Camera System, but also several significant enhancements will be included which are designed to improve public safety and assist law enforcement in preventing and investigating criminal activity. Specifically, the requested funding will support the following: 1.) continuation and expansion of the City's Flock camera network; 2.) integration of community-owned cameras into the Flock system; 3.) deployment of live view cameras; 4.) integration and support for drone technology to enhance emergency response and situational awareness, and 5.) advanced software and intelligence tools that improve real-time analysis and investigative capabilities.

Thus, at this time, I am requesting an additional appropriation in the budget of the Rainy Day Fund in the amount of \$300,000.00 for the Flock Camera System for the Michigan City Police Department. This requested appropriation represents a strategic investment in modern public safety technology that will provide benefits to our community while enhancing the effectiveness and efficiency of the MCPD. Thank you for your consideration.

Very truly yours,

Angie Nelson Deutch, Mayor
Michigan City, Indiana

Cc: Steve Forker, Chief, Michigan City Police Department
David Cooney, Assist Chief, Michigan City Police Department
Kyle Shiparski, Assist Chief, Michigan City Police Department

MICHIGAN CITY COMMON COUNCIL

ORDINANCE NO. _____

APPROVING ADDITIONAL APPROPRIATION IN THE BUDGET OF THE
GENERAL FUND FOR THE PURCHASE OF ROAD SALT & SUPPLIES FOR THE
STREET DEPARTMENT, VEHICLE LIFT EXPENSE & MAINTENANCE EXPENSES
FOR CENTRAL SERVICES, AND CITY HALL REPAIRS

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 2026 Annual Budget for the following:

- A. Purchase of road salt and supplies for the Street Department in the amount of \$170,000.00;
- B. Provide funding for the vehicle lift purchased by the Central Services Department and provide maintenance expenses for said Department in the amount of \$150,000.00; and
- C. City Hall repairs in the amount of \$25,000.00; and

WHEREAS, the City Controller has determined that sufficient unappropriated funds are available in the General Fund #1101.000 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 1101.000 Unappropriated balance	\$345,000.00	
INCREASE ACCOUNT# 2202.000.422.024 Operating Supplies- Salt & Supplies		\$170,000.00
INCREASE ACCOUNT# 1101.108.436.020 (Repairs & Maintenance - Equipment)		\$150,000.00
INCREASE ACCOUNT# 1101.109.436.010 (Repairs & Maintenance - Building)		\$ 25,000.00
TOTAL FOR FUND	\$345,000.00	

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: _____
Tracey Tillman, President
Michigan City Common Council

Bryant Dabney, Member
Michigan City Common Council

Dr. Vidya Kora, Member
Michigan City Common Council

Tim Bietry, Member
Michigan City Common Council

Passed by the Common Council of the City of Michigan City, Indiana, this _____
_____ day of _____, 2026 by a vote of _____ to _____
_____.

Tracie Tillman, President
Michigan City Common Council

Approved/Vetoed (*circle appropriate action*) by me, this _____ day of _____
_____, 2026.

Angie Nelson Deutch, Mayor
City of Michigan City, Indiana

ATTEST:

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

Prepared by Corporation Counsel Upon Request



FILED
JUL 02 2026
GAIL A. NEULING
CITY CLERK
CITY OF MICHIGAN CITY

Office of Mayor Angie Nelson Deutch
(219) 873-1400 | mayorangelie@emichigancity.com
100 E Michigan Boulevard, Michigan City, Indiana 46360

July 2, 2026

Michigan City Common Council
100 E. Michigan Boulevard
Michigan City, IN 46360

Re: Approving Additional Appropriation in the Budget of the General Fund for the Purchase of Road Salt & Supplies for the Street Department, Vehicle Lift Expenses & Maintenance Expenses for Central Services, and City Hall Repairs

Dear Council,

The City is in need of an additional appropriation from the General Fund for the following:

1. Purchase Road Salt & Supplies: Earlier this year, the City faced inclement weather resulting in the early depletion of the monies budgeted for road salt. Thereafter, the Common Council adopted Ordinance #4794, which is enclosed herein, to appropriate an additional \$300,000.00 to pay for more road salt, however, to date, the City has fully utilized said funding and no monies remain in the 2026 budget. I am requesting an additional appropriation of \$170,000.00 for road salt and supplies.
2. Vehicle Lift Central Services/Maintenance Expenses: Earlier this year, because Central Services needed a vehicle lift, the Common Council passed Resolution #4988, which is enclosed herein, transferring \$84,000.00 within the budget of the Central Maintenance Fund for this purchase. At that time, it was understood that City would be coming back for an additional appropriation for the Central Maintenance Department since the Repairs and Maintenance line item would be depleted and additional funding was need to get the Department through the remaining calendar year. I am requesting an additional appropriation of \$150,000.00 for the vehicle lift/maintenance expenses.
3. City Hall: Earlier this year, City Hall experienced emergency plumbing issues and HVAC issues resulting in invoices totaling approximately \$24,000.00. Only \$10,000.00 was budgeted in 2026 for repairs at City Hall. Thus, additional funding is needed to satisfy the outstanding invoices and to provide funding for any additional circumstances that may arise in 2026. I am requesting an additional appropriation of \$25,000.00 for City Hall repairs.

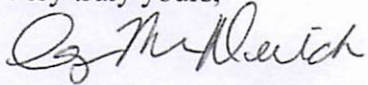
Michigan City Common Council

July 2, 2026

Pg. 2

In total, I am requesting an additional appropriation in the budget of the General Fund in the amount of \$345,000.00 to fund the aforementioned expenses. Thank you for your consideration.

Very truly yours,



Angie Nelson Deutch, Mayor
Michigan City, Indiana

Cc: Tamiko Smith, City Controller
Shong Smith, Director, Street Department
Darrell Garbacik, Superintendent, Central Services

Enclosures: Ordinance #4794
Resolution #4988

MICHIGAN CITY, INDIANA

Phone: (219) 873-1400
100 E Michigan Boulevard
Michigan City, IN 46360

MICHIGAN CITY COMMON COUNCIL

FILED

APR 01 2026

GALE A. NEULIEB
CITY CLERK
CITY OF MICHIGAN CITY

ORDINANCE NO. 4794

APPROVING ADDITIONAL APPROPRIATION IN THE BUDGET OF THE
GENERAL FUND FOR THE PURCHASE OF ROAD SALT FOR THE STREET
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 2026 Annual Budget for the purchase of road salt; and

WHEREAS, the City Controller has determined that sufficient unappropriated funds are available in the General Fund #1101.000 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:

	AMOUNT REQUESTED	AMOUNT APPROPRIATED
DECREASE 1101.000 Unappropriated balance	\$300,000.00	
INCREASE ACCOUNT# 1101.105.422.024 Operating Supplies- Salt		\$300,000.00
TOTAL FOR FUND	\$300,000.00	

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:

Bryant Dabney
Bryant Dabney, Member
Michigan City Common Council

Dr. Vidya Kora
Dr. Vidya Kora, Member
Michigan City Common Council

Przybylinski
Przybylinski, Member
Michigan City Common Council

Passed by the Common Council of the City of Michigan City, Indiana, this 7th day of April by a vote of 7 to 0.

Tracie Tillman
Tracie Tillman, President
Michigan City Common Council

Approved Vetoed (circle appropriate action) by me, this 8 day of April.

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

ATTEST:

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

Prepared by Corporation Counsel Upon Request

7
0-209

FILED

28 2026

MICHIGAN CITY COMMON COUNCIL
4988
RESOLUTION

GALE A. NEULIEB
CITY CLERK
CITY OF MICHIGAN CITY

**A RESOLUTION INCREASING AND DECREASING CERTAIN APPROPRIATIONS
WITHIN THE BUDGET OF CENTRAL MAINTENANCE OF THE GENERAL FUND
#1101 FOR THE YEAR 2026 IN MICHIGAN CITY, INDIANA**

WHEREAS, there exist certain circumstances within the budget of Central Maintenance of the General Fund #1101 of Michigan City which require increasing and decreasing appropriations for certain line items in that Fund for the year 2026, more specifically, the Central Maintenance Department is in need of vehicle lift.

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 Central Maintenance of the General Fund of the City, the Common Council approves the following transfer of appropriations, as listed, to-wit:

CENTRAL MAINTENANCE GENERAL FUND #1101

DECREASE: A/C #1101.108.436.020 \$84,000.00
Repairs & Maintenance Equipment

INCREASE: A/C #1101.108.445.050 \$84,000.00
Other Machinery & Equipment

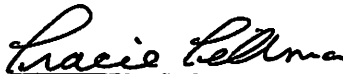
This Resolution shall be in full force and effect after passage by the Michigan City Common Council and the approval by the Mayor.

INTRODUCED BY:



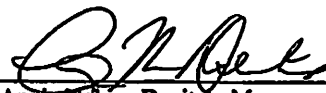
Don Przybylinski, Member
Michigan City Common Council

Passed by the Common Council of the City of Michigan City, Indiana, this 3rd day of February, 2026.



Tracie Tillman, President
Michigan City Common Council

☒ Approved ☐ Vetoed (circle choice) by me, this 9 day of February, 2026.



Angie Nelson Deutch, Mayor
City of Michigan City, Indiana

ATTEST:



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

P.
CR 1488

MICHIGAN CITY COMMON COUNCIL

ORDINANCE NO. _____

APPROVING ADDITIONAL APPROPRIATION IN THE BUDGET OF THE
RAINY DAY FUND FOR STREET & SIDEWALK REPAIR

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 2026 Annual Budget to fund the repair and maintenance of streets and sidewalks; and

WHEREAS, the City Controller has determined that sufficient unappropriated funds are available in the Rainy Day Fund #2236 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 Rainy Day Fund #2236 Unappropriated balance	\$300,000.00	
INCREASE ACCOUNT#2235.114.443.030 Street Repair & Maintenance		\$200,000.00
INCREASE ACCOUNT#2235.114.443.031 Sidewalk Repair & Maintenance		\$100,000.00
TOTAL FOR FUND	\$300,000.00	

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: _____
Don Przybylinski, Member
Michigan City Common Council

Bryant Dabney, Member
Michigan City Common Council

Dr. Vidya Kora, Member
Michigan City Common Council

Tim Bietry, Member
Michigan City Common Council

Nancy Moldenhauer
Michigan City Common Council

Greg Coulter
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 choice) 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 Corporation Counsel Upon Request



FILED
JUL 02 2026
WALL A. HENNING
CITY CLERK
CITY OF MICHIGAN CITY

Office of Mayor Angie Nelson Deutch
(219) 873-1400 | mayorangie@emichigancity.com
100 E Michigan Boulevard, Michigan City, Indiana 46360

July 2, 2026

Michigan City Common Council
100 E. Michigan Boulevard
Michigan City, IN 46360

Re: Approving Additional Appropriation in the Budget of the Rainy Day Fund for the Street
& Sidewalk Repair

The City is in need of additional funding for more street and sidewalk repair in 2026. Thus, at this time, I am requesting an additional appropriation in the budget of the Rainy Day Fund for \$300,000.00 for these additional street and sidewalk repairs. Thank you for your consideration.

Very truly yours,

Angie Nelson Deutch, Mayor
Michigan City, Indiana

Cc: Tim Werner, City Engineer
Tamiko Smith, City Controller

**MICHIGAN CITY, INDIANA
MICHIGAN CITY COMMON COUNCIL**

ORDINANCE NO. _____

**AUTHORIZING AND APPROVING A PAYMENT IN LIEU OF TAXES (“PILOT”)
AGREEMENT WITH GARDEN ESTATES PRESERVATION LLC**

WHEREAS, The City of Michigan City, LaPorte County, Indiana (“City”) is a duly organized municipal corporation and political subdivision under the laws of the State of Indiana, governed by its duly elected Common Council (the “Council”); and

WHEREAS, Garden Estates Preservation LLC (“Owner”) intends to acquire certain real estate in the City, located at 909 Pine Tree Court (the “Real Estate”) currently the site of the Garden Estates West Apartment complex that participates in the Low-Income Housing Tax Credit (“LIHTC”) Program pursuant to the Tax Reform Act of 1986 under the Indiana Housing and Community Development Authority (“IHCD”) and Section 8 Project Based Rental Assistance (“PBRA”) programs of the U.S. Department of Housing and Urban Development (“HUD”); and

WHEREAS, The Owner intends to rehabilitate, renovate, and continue to operate the Real Estate, built in 1970 as an affordable housing community consisting of 174 apartments units for low-income families playing a vital role in providing affordable housing options for low-income families, helping to create stable living conditions and support community integration for vulnerable populations (the “Project”); and

WHEREAS, The Owner intends to invest \$15,600,000 to improve, renovate, and continue to operate the Project for the purpose of providing affordable housing to income eligible persons under the federal LIHTC program in 26 U.S.C. 42 (“Low-Income Housing Tax Credit Program”) and the applicable State of Indiana Qualified Allocation Plan (“QAC”); and

WHEREAS, The Project, as a LIHTC property, is subject to an extended use agreement under 26 U.S.C. 42 (“Extended Use Agreement”) as administered by the IHCD for a period of at least thirty (30) years, which Extended Use Agreement will be assigned to Owner by an Assignment and Assumption of Extended Use Agreement and Assignment and Assumption of Land Use Restriction Agreement to provide for affordable housing for a period of at least thirty (30) years; and

WHEREAS, Pursuant to the Extended Use Agreement, the Project, as a LIHTC property, will only be permitted to rent to residents whose incomes are 60% or less of the area median gross income (“AGI”) and considered low-income by HUD (the “Restricted Residents”); and

WHEREAS, Pursuant to the Extended Use Agreement, the Project, as LIHTC property, will be limited to charging rents as determined in accordance with the Extended Use Agreement or, as applicable, any Housing Assistance Payments Contract related to the Project (the

“Restricted Rents”); and

WHEREAS, upon taking fee simple title, the Owner will qualify as a “property owner” under Indiana Code 36-1-8-14.3(d) of real property; and

WHEREAS, Pursuant to Indiana Code (“IC”) 6-1.1-10-16.7, the Owner will be exempt from the requirement to pay property taxes on real property included in the Project if the following IC requirements and conditions are satisfied:

- (1) The improvements on the Real Estate are constructed, rehabilitated, or acquired for the purpose of providing housing to income eligible persons pursuant to the federal HUD LIHTC program under 26 U.S.C. 42;
- (2) The Real Estate and Project are subject to an extended use agreement under 26 U.S.C. 42 as administered by the IHCD; and
- (3) The Owner of the Real Estate and of the Project seeks to enter into an agreement to make payments in lieu of taxes (a “PILOT”) prepared under IC 36-1-8-14.3 and the City and the Owner have documented this agreement in a written agreement (the “PILOT Agreement”) as attached hereto as **EXHIBIT A**; and

WHEREAS, The terms and conditions of the PILOT are contained in the PILOT Agreement under EXHIBIT A and Section 1.2 of the PILOT Agreement sets forth the annual PILOT payable by Owner of the Real Estate, including all subsequent owners, in amount equal to 25 % of the estimated annual tax liability of \$133,970, with a 1% increase **per annum adjustment for a period of 20-years** from the date Owner takes fee simple title to the Real Estate (the “PILOT Period”); and

WHEREAS, The terms and conditions of the PILOT contained in the PILOT Agreement under EXHIBIT A and Section 1.2 of the PILOT Agreement sets forth the the annual PILOT payable by Owner of the Real Estate is due and payable in full annually to the City on May 10 of each calendar year during the PILOT Period to coincide with the first installment of tax liability due of all owners of tangible property in the State of Indiana; and

WHEREAS, Any payments received under the PILOT Agreement shall be deposited in the City's Affordable Housing Fund pursuant to IC 36-1-8-14.3(h) and used for any purpose for which the affordable housing fund may be used.

NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE COMMON COUNCIL OF THE CITY OF MICHIGAN CITY, LAPORTE COUNTY, INDIANA, THAT:

SECTION 1. The Common Council hereby authorizes and approves the PILOT Agreement as attached hereto under EXHIBIT A and authorizes its execution by the Mayor as the Executive on behalf of the City after it has been finalized by the City and Owner of the Project.

SECTION 2. In accordance with I.C. 36-1-8-14.3(e), upon taking fee simple title to the Real Estate, the Owner as the property owner defined under I.C. 36-1-8-14.3(d) has consented to this Ordinance and said PILOT Agreement, which shall be illustrated by the City and the Owner executing the PILOT Agreement in substantially the same form of the attached. The Ordinance shall remain in full force and effect until the end of the 20-year PILOT Period outlined in the PILOT Agreement, unless repealed or modified by the City as the governing body prior to the expiration of the PILOT Period under the PILOT Agreement, subject to approval of the Owner as the property owner.

SECTION 3. The City Clerk is hereby directed to record an executed copy of this Ordinance and a Clerk's Office certified copy of the executed PILOT Agreement with the Office of the LaPorte County Recorder's Office.

SECTION 4. The City Clerk is hereby further directed to file (date stamped) the Ordinance as recorded including a copy of the certified executed PILOT Agreement for assessment and tax purposes with the:

- Office of the LaPorte County Assessor (acting at the Coolspring Township Assessor); and
- Office of the LaPorte County Auditor.

SECTION 5. The City Clerk is hereby further directed to file the fully recorded and filed Ordinance including a copy of the certified executed PILOT Agreement with the:

- Records of the City's Common Council; and
- Owner of the Real Estate.

SECTION 6. By adopting this Ordinance, authorizing the City and Mayor to finalize and execute the PILOT Agreement, and authorizing the payments contemplated by the PILOT Agreement, the City has undertaken all required municipal action contained within IC 36-1-8-14.3.

SECTION 7. If any section, sentence or provision of this Ordinance, or the application thereof to any person or circumstances shall be declared invalid, such invalidity shall not affect any of the other sections, sentences, provisions, or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

SECTION 8. This Ordinance shall be effective and in full force and effect from and after (i) its passage by the Common Council of the City of Michigan City, LaPorte County, Indiana and approval of the Mayor as the executive and (ii) delivery of the deed to the Real Estate to Owner, including all other requirements of the Indiana Code.

INTRODUCED BY: _____

Tracie Tillman, President
Michigan City Common Council

Dr. Vidya Kora, Member
Michigan City Common Council

Bryant Dabney, Member
Michigan City Common Council

Tim Bietry, Member
Michigan City Common Council

Passed by the Common Council of the City of Michigan City, Indiana, this _____
_____ day of _____, 2026 by a vote of _____ to _____
_____.

Tracie Tillman, President
Michigan City Common Council

Approved/Vetoed (*circle appropriate action*) by me, this _____ day of _____
_____, 2026.

Angie Nelson Deutch, Mayor
City of Michigan City, Indiana

ATTEST:

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

**MICHIGAN CITY, INDIANA
MICHIGAN CITY COMMON COUNCIL**

ORDINANCE NO. _____

**EXHIBIT A
PILOT AGREEMENT:**

PAYMENT-IN-LIEU-OF-TAX AGREEMENT

Between:

The City of Michigan City, LaPorte County, Indiana,
a municipal corporation and political subdivision of the state of Indiana

And

Garden Estates Preservation LLC,

A foreign limited liability company registered in the state of Indiana (Business ID: 202604151991004),
with its principal office at 250 W. 55th Street, Floor 35, New York, New York 10019-9710

THIS PAYMENT-IN-LIEU-OF-TAX AGREEMENT (the “PILOT Agreement”) is entered into this _____ day of _____, 2026 (the “Effective Date”) by, among, and between the **CITY OF MICHIGAN CITY, LAPORTE COUNTY, INDIANA** (the “City”), a municipal corporation and political subdivision of the state of Indiana, and **GARDEN ESTATES PRESERVATION LLC**, a Delaware limited liability company, and its permitted successors and assigns (collectively the “Owner”), together the City and the Owner may be herein referred to collectively as the “Parties.”

BACKGROUND & RECITALS

WHEREAS, Owner intends to acquire certain real estate in the City of Michigan City, LaPorte County, Indiana, located at 909 Pine Tree Court and identified as Parcel Identification Number (“PIN”) 46-05-08-451-001.000-009 (the “Real Estate”) currently the site of the Garden Estates West Apartment complex that participates in the Low-Income Housing Tax Credit (“LIHTC”) Program pursuant to the Tax Reform Act of 1986 under the Indiana Housing and Community Development Authority (“IHCDA”) and Section 8 Project Based Rental Assistance (“PBRA”) programs of the U.S. Department of Housing and Urban Development (“HUD”); and

WHEREAS, The Owner intends to rehabilitate, renovate, and continue to operate the Real Estate, built in 1970 as an affordable housing community consisting of 174 apartments units for low-income families playing a vital role in providing affordable housing options for low-income families, helping to create stable living conditions and support community integration for vulnerable populations (the “Project”); and

WHEREAS, The Owner intends to invest \$15,600,000 to improve, renovate, and continue to operate the Project for the purpose of providing affordable housing to income eligible persons under the federal LIHTC program of 26 U.S.C. 42 (“Low-Income Housing Tax Credit Program”) pursuant to Section 42 of the Internal Revenue Code of 1986, as amended (the “Code”) and an applicable state of Indiana Qualified Allocation Plan (“QAC”); and

WHEREAS, Pursuant to Indiana Code (“IC”) 6-1.1-10-16.7, the Owner will be exempt from the requirement to pay property taxes on real property included in the Project if the following IC requirements are satisfied:

- 1) The improvements on the real property were constructed, rehabilitated, or acquired for the purpose of providing housing to income eligible persons under Low-Income Housing Tax Credit Property as administered by the Indiana Housing and Community Development Authority ("IHCD");
- 2) The real property is subject to an extended use agreement under 26 U.S.C. 42 as administered by the IHCD; and
- 3) The owner of the property has entered into an agreement to make payments in lieu of taxes under IC 36-1-8-14.3 (the "PILOT Statute"); and

WHEREAS, the Owner anticipates and, upon receipt from IHCD, will provide the City and the Common Council as the legislative body with documentation showing that:

- 1) The improvements on the Real Estate will be rehabilitated utilizing the Low-Income Housing Tax Credit Program; and furthermore,
- 2) The Project will be subject to an extended use agreement under 26 U.S.C. 42 ("Extended Use Agreement") as administered by the IHCD for a period of at least thirty (30) years; and

WHEREAS, The Owner represents and warrants that Owner will enter into and record an Assignment and Assumption of Land Use Restriction and an Assignment and Assumption of Extended Use Agreement to provide affordable housing for a period of at least thirty (30) years when Owner takes fee simple title to the Real Estate; and

WHEREAS, The Owner further represents and warrants that they will ensure the Project is operated as an affordable housing community and an affordable housing project as further detailed in Revenue Procedure 96-32, as the Low-Income Housing Guideline as published by the Internal Revenue Service, for the term of this PILOT Agreement and the Extended Use Agreement; and

WHEREAS, This PILOT Agreement has been drafted to comply with the requirements under PILOT Statute; and

WHEREAS, the City represents that it has or will undertake all necessary and appropriate actions within its control contained within the PILOT Statute to ensure this PILOT Agreement satisfies all necessary requirements of the PILOT Statute so as to permit the Owner to be approved for real property tax exemption under IC 6 1.1-10-16.7; and

WHEREAS, The Owner represents that it will: (i) timely file its application (the "Property Tax Exemption Application") with the Office of the LaPorte County, Indiana Assessor, acting as the Coolspring Township assessment official, requesting pursuant to IC 6-1.1-10-16.7 an exemption from its obligation to pay real property taxes, and (ii) timely file any applications to renew any such exemption if required by law to do so; and

WHEREAS, The Owner has agreed to: (i) make payments in lieu of taxes to the City for public safety services, more specifically police, fire and ambulatory services, and (ii) ensure the Project is properly maintained and kept up to building codes standards of the state of Indiana and the City; and

WHEREAS, The Parties have agreed that, if the real property contained on the Real Estate becomes fully exempt from the payment of property taxes under IC 6-1.1-10-16.7, the Owner will make payments to the City pursuant to the terms and conditions of this PILOT Agreement; and

1 **NOW, THEREFORE**, in consideration of the foregoing premises, mutual covenants and the
2 sum of Twenty-Five and 00/100 Dollars (\$25.00) and other good and valuable consideration, the receipt
3 and sufficiency of which are hereby acknowledged, the parties hereby agree as follows:
4

5 **BODY OF THE PILOT AGREEMENT**
6

7 **SECTION 1 Payments in Lieu of Taxes**

8 Section 1.1 (a) The Owner represents and warrants that it has or will undertake all appropriate
9 action(s) for the real property of the Real Estate to be exempt under IC 6-1.1-10-16.7, and
10 during the term of this Agreement, the Owner covenants and agrees it shall at all times
11 materially comply with the requirements of IC 6-1.1-10-16.7, as applicable to Owner and
12 the Project.

13 (b) The Owner agrees to maintain the Project as an affordable apartment community
14 consisting of an affordable housing facility providing affordable housing to income
15 eligible persons under the federal Low-Income Housing Tax Credit Program pursuant to
16 the Code and an applicable state of Indiana QAC.

17 (c) The Owner agrees to maintain a clean premises in material compliance with applicable
18 local, state, and federal codes, rules, and regulations for the Real Estate at the Project,
19 provided however, that Owner shall not be in breach hereunder if it diligently pursues a
20 cure upon receipt of notice of any violation.

21 (d) The Owner acknowledges that this PILOT Agreement in and of itself does not confer
22 any property tax exemption on the Project and that in order to obtain any such property tax
23 exemption or a partial exemption, the Owner must timely file its Property Tax Exemption
24 Application, including renewal applications, if any are required, with the Office of the
25 LaPorte County Assessor, acting as the Coolspring Township assessment official,
26 requesting an exemption pursuant to IC 6-1.1-10-16.7 from the Owner's obligation to pay
27 all or a portion of its real property taxes due and payable on the assessment of the Project.

28 (e) The City agrees to assist the Owner in ensuring the real property of the Project is fully
29 exempt from property tax if the Owner has satisfied all requirements to obtain exemption
30 under IC 6-1.1-10-16.7.
31

32 Section 1.2 The Owner, including all subsequent owners, shall pay to the City an amount equal to the
33 appropriate PILOT year as shown on the PILOT schedule. The PILOT amount ("PILOT Payment") shall be
34 equal to 25 % of the estimated annual tax liability of \$133,970, with a 1% increase per annum adjustment to
35 the PILOT payment for a period of 20-years commencing when the Owner takes fee simple title to the
36 Property (the "PILOT Period") pursuant to **SCHEDULE A** titled the PILOT Schedule, as included herein
37 below.
38
39

40 *[Remainder of this page intentionally left blank]*
41

SCHEDULE A: PILOT Schedule

Project Year	Assessment Year	Collection Year	Annual PILOT Payment*
1	2027	2028	\$ 16,746
2	2028	2029	\$ 33,827
3	2029	2030	\$ 34,166
4	2030	2031	\$ 34,507
5	2031	2032	\$ 34,852
6	2032	2033	\$ 35,201
7	2033	2034	\$ 35,553
8	2034	2035	\$ 35,908
9	2035	2036	\$ 36,268
10	2036	2037	\$ 36,630
11	2037	2038	\$ 36,997
12	2038	2039	\$ 37,367
13	2039	2040	\$ 37,740
14	2040	2041	\$ 38,118
15	2041	2042	\$ 38,499
16	2042	2043	\$ 38,884
17	2043	2044	\$ 39,273
18	2044	2045	\$ 39,665
19	2045	2046	\$ 40,062
20	2046	2047	\$ 40,463
Total (20- Years):			\$ 720,725

*The 2027 PILOT Payment (due in 2028) is an estimate based on Owner closing on the Real Estate on July 1, 2027 with the actual 2027 PILOT Payment to be calculated based on the closing date.

Section 1.3. The Owner shall be responsible for each annual PILOT Payment due and payable in full for the appropriate PILOT year as shown on the PILOT Schedule and shall direct said PILOT Payment to the City as addressed and delivered to the City Controller on or before each May 10 of each calendar year of the PILOT Period, being consistent with the first installment of tangible property taxes in the state of Indiana. Each annual PILOT Payment due and payable in full for the appropriate PILOT year shall be paid in lieu of property taxes for the tax year in question that would have been payable by Owner if Owner was a non-exempt taxpayer.

Section 1.4 The Owner shall be responsible for all PILOT Payments when due and payable. The Owner shall also be responsible and liable for all penalties, costs, and expenses imposed under Indiana law including IC 6-1.1-22-1 *et seq.* and IC 6-1.1-37-1 or any statute which amends or replaces them for delinquent payments of any PILOT Payment.

[Remainder of this page intentionally left blank]

1 Section 1.5 Remedies for Owner's failure to satisfy the requirements of Section 1.1 and/or Section 1.4
2 are outlined in SECTION 3 of this PILOT Agreement. The PILOT Payment required by SECTION 3 of this
3 PILOT Agreement shall only become due if Real Estate at the Project has been exempt from real property
4 tax under IC 6-1.1-10-16.7. To the extent that the Real Estate at the Project is not fully exempt in any year
5 of the PILOT Period, the Owner shall have no obligation to make PILOT Payment due and payable in full
6 for the appropriate PILOT year as shown on the PILOT Schedule, and the Parties will move through the
7 cure period and termination outlined in SECTION 3 such that the Owner must pay real property taxes as
8 billed the Office of the LaPorte County, Indiana Treasurer as calculated for the Project based upon the
9 DLGF certified tax rate (by Budget Order) for Tax Unit 009 (Michigan City-Coolspring Township) under
10 applicable law pursuant to application of the most current Assessment Manual which contains the rules for
11 assessing real property in the state of Indiana.

12
13 Section 1.6 The Owner hereby reserves the right to contest and appeal the amount of any real property
14 assessment of the Real Estate of the Project. Any such challenge will not affect the timely payment of the
15 annual PILOT Payment described in Section 1.2 pursuant to SCHEDULE A titled the PILOT Schedule.

16 17 **SECTION 2 Recording and Filing of the PILOT Agreement and the PILOT Ordinance**

18
19 Section 2.1 The City Clerk shall record this PILOT Agreement upon execution and signatures by both
20 Parties with the Office of the LaPorte County, Indiana Recorder within ten (10) business days of the
21 Effective Date to preserve and protect fully the rights of the Parties, including the Owner's obligation to pay
22 each PILOT Payment during the Payment Period and all subsequent penalties, interest, and costs resulting
23 from any delinquency related thereto.

24
25 Section 2.2 The City Clerk upon City Common Council approval shall record the PILOT Ordinance
26 with the Office of the LaPorte County, Indiana Recorder within ten (10) business days of the Effective Date
27 to preserve and protect fully the rights of the Parties with respect to the approval of this PILOT Agreement
28 pursuant to the PILOT Statute, including all other statutory requirements of the state of Indiana.

29
30 Section 2.3 The City Clerk is hereby further directed to file (date stamped) the recorded the PILOT
31 Agreement and the associated PILOT Ordinance, as recorded, within ten (10) business days of the Effective
32 Date for assessment and tax purposes with the:

- 33 • Office of the LaPorte County Assessor (acting at the Coolspring Township Assessor); and
- 34 • Office of the LaPorte County Auditor.

35
36 Section 2.4 The City Clerk is hereby further directed to file the fully recorded and filed PILOT
37 Agreement and the associated PILOT Ordinance, as recorded, within ten (10) business days of the Effective
38 Date, with the:

- 39 • Records of the City's Common Council; and
- 40 • Owner of the Real Estate.

41 42 **SECTION 3 Failure to Perform; Cure Period; and Termination**

43 Section 3.1 Automatic Termination

44 (a) This PILOT Agreement shall automatically terminate, by no action of the Parties, and shall be of no
45 force or effect between or among the Parties if Owner fails to receive fee simple title to the Real Estate or
46 upon the expiration of the Payment Period and the remittance of the final PILOT Payment due and payable
47 as described in Section 1.2 pursuant to SCHEDULE A titled the PILOT Schedule.

48 (b) Notwithstanding the foregoing, the Parties may mutually agree to extend this PILOT Agreement in
49 writing prior to the expiration of the Payment Period.

1 Section 3.2 Conveyance of Property

2 (a) Upon conveyance of the Owner's title to the Project to any party which meets the requirements of
3 IC 6-1.1-10-16.7, this PILOT Agreement shall remain in full force and effect.

4 (b) The City acknowledges and agrees the Owner may assign this PILOT Agreement and the
5 obligations thereunder as a part of the sale of the Real Estate and the Project.

6 (c) The Owner's obligation to pay the PILOT Payments as described in Section 1.2 pursuant to
7 SCHEDULE A titled the PILOT Schedule shall terminate upon Owner's conveyance of its title to the Real
8 Estate and the Project to a permitted successor and an assigned owner of the Real Estate and the Project.
9 However, this PILOT Agreement will be assigned to a permitted successor and/or assigned owner of the
10 Real Estate and the Project if they meet the requirements of Section 1.1, Subsections (a), (b), (c), and (d)
11 including written consent to this PILOT Agreement pursuant to IC 6-1.1-10-16.7(a)(3).

12 (d) Upon conveyance of fee title to the Real Estate and Project to any other successor and/or assigned
13 owner that does not meet the requirements of IC 6-1.1-10-16.7, this PILOT Agreement shall become null
14 and void and of no further force or effect; provided however, the Owner shall remain obligated for payment
15 of the applicable pro rata amount of the PILOT Payment due and payable as described in Section 1.2
16 pursuant to SCHEDULE A titled the PILOT Schedule with respect to Real Estate and Project up to the date
17 when a purchaser either assumes the obligations hereunder or the Real Estate and the Project is no longer
18 exempt under IC 6-1.1-10-16.7.

19 (e) Notwithstanding anything hereto to the contrary, the City acknowledges that Owner may
20 collaterally assign this PILOT Agreement to an Institutional Lender and its successors and assigns, as
21 security for one or more loan (each, a "Loan") encumbering the Project. The City agrees that the tax
22 exemption authorized by the PILOT Agreement shall not terminate due to a foreclosure or a deed in lieu of
23 foreclosure of any mortgage or deed of trust in favor of institutional lender (a "Foreclosure Action")
24 provided that the transferee :(i) is an institutional lender or controlled by an institutional lender, or (ii)
25 otherwise complies with the terms of this PILOT Agreement subsequent to the Foreclosure Action. As used
26 herein, "Institutional Lender" means any entity providing construction, bridge, or permanent financing, any
27 governmental entity including, but not limited to federal, state or local housing finance agencies, state or
28 local government entities, banks, mortgage companies, insurance companies, tax credit equity investors and
29 their respective successors and assigns.

30 (f) All foreclosure protections listed herein only apply to lenders who notify the City prior to any such
31 assignment or transfer to a successor and who agree and consent in writing to this PILOT Agreement's terms.
32 However, Owner shall not be released from responsibilities listed in this PILOT Agreement until such time
33 that the Institutional Lender has issued a formal assumption of obligation related to the Real Estate and the
34 Project. In the event any Institutional Lender refuses to assume the terms of this PILOT Agreement, the
35 Owner remains responsible until the PILOT Agreement is terminated pursuant to Section 3.4 herein.

36
37 Section 3.3 Breach and Cure

38 (a) In the event that Owner fails to make a timely payment pursuant to Section 1.2 consistent with
39 SCHEDULE A titled the PILOT Schedule, the Owner shall pay to the City an additional ten percent (10%)
40 of the PILOT Payment due and payable to the applicable PILOT year (the "Penalty Payment") no later than
41 December 31 of the calendar year in which PILOT Payment is due and payable.

42 (b) If the Owner fails to make the required PILOT Payment plus the Penalty Payment on or before
43 December 31 of the calendar year in which PILOT Payment is due and payable, the City may at its sole
44 discretion elect to: (i) extend the repayment period in writing to an identified date agreeable to the Parties, or
45 (ii) terminate this PILOT Agreement breach of this PILOT Agreement's PILOT Payment terms.

46 (c) In the event the Owner fails to satisfy any other requirements listed in Section 1.1 and/or Section
47 1.4, the City shall notify Owner in writing by USPS certified mail/return receipt of such a PILOT Agreement
48 default and breach. The Owner then shall have one hundred twenty (120) days from the effective date of
49 said notice to cure the reason for default (the "Cure Period"); provided, however, that if the nature of the

1 default is such that it cannot be reasonably cured within such period, Owner shall not be deemed to be in
2 default so long as Owner has commenced and is diligently pursuing completion of such cure. The City may
3 in its sole discretion elect to extend the Cure Period beyond the one hundred twenty (120) day period in
4 writing and shall notify Owner in writing by USPS certified mail/return receipt of such Cure Period
5 extension. Upon expiration of the Cure Period, as may have been extended, this PILOT Agreement may be
6 terminated upon notice from the City in writing to the Owner by USPS certified mail/return receipt that such
7 default has not been cured within the Cure Period.

8 (d) Upon an event of breach or default, so long as an Institutional Lender or its successors, assigns,
9 nominee and/or designee, holds a mortgage on the Real Estate and the Project, the City agrees to deliver a
10 copy the written notice set forth in this Section 3.3 above to said identified Institutional Lender as provided
11 by the Owner. The Institutional Lender will have the right, but not the obligation, to cure such violation(s)
12 within sixty (60) days following the expiration of the Cure Period, as may be extended, of any breach,
13 default, or violation of this PILOT Agreement as provided to Owner hereunder, more specifically
14 Subsection (c).

15 16 Section 3.4 Mutual Termination

17 (a) The Parties hereto may mutually agree to terminate this PILOT Agreement at any time.

18 (b) An agreement to terminate this PILOT Agreement shall be in writing and executed by all Parties
19 hereto (the "Termination Agreement").

20 (c) Upon mutual termination pursuant under this Section 3.4, this PILOT Agreement shall become null
21 and void, and of no further force or effect between or among the Parties.
22

23 Section 3.5 Pro Rata PILOT Payment upon Termination

24 (a) The Owner shall liable and remain obligated for payment of the applicable pro rata amount of the
25 PILOT Payment due and payable as described in Section 1.2 pursuant to SCHEDULE A titled the PILOT
26 Schedule with respect to Real Estate and Project to the extent that the Real Estate and Project remain fully
27 exempt from property tax under IC 6-1.1-10-16.7 up to the date when this PILOT Agreement is terminated
28 pursuant to the Termination Agreement.

29 (b) The Owner shall receive a credit for all PILOT Payments already paid as described in Section 1.2
30 pursuant to SCHEDULE A titled the PILOT Schedule with respect to Real Estate and Project.

31 (c) Upon termination of this PILOT Agreement, the Parties hereto agree that all other provisions of
32 this PILOT Agreement, except for this Section 3.5 shall become null and void and of no further force or
33 effect between the Parties.
34

35 **SECTION 4 General Provisions**

36 Section 4.1 Captions and Headings; Incorporation of Background & Recitals

37 The captions and headings of various articles, sections, subsections, exhibits, schedules, or tables referenced
38 herein are for convenience only and are not to be considered as defining or limiting in any way, the scope or
39 intent of the provisions hereof. Notwithstanding the foregoing, each of the Background & Recitals clauses
40 (the "Whereas Clauses") referenced herein are incorporated and expressly made a part hereof.
41

42 Section 4.2 Entire PILOT Agreement

43 This PILOT Agreement constitutes the entire agreement of the Parties, and all prior discussions,
44 negotiations and document drafts are merged herein.
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48 *[Remainder of this page intentionally left blank]*
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1 timely performance and expedient action(s) related to the approval of this PILOT Agreement and its
2 associated documents, exhibits, schedules, or tables, and of every part hereof is imperative.

3
4 Section 4.7 Counterparts

5 This PILOT Agreement and any amendments hereof may be executed in one or more counterparts, each of
6 which when so executed and delivered pursuant to Section 4.3 shall be deemed to be an original, and all of
7 which taken together, shall constitute one and the same instrument.

8
9 Section 4.8 Severability

10 If any provision of this PILOT Agreement is determined by a court having jurisdiction to be illegal, invalid,
11 or unenforceable under any present or future law, the remainder of this PILOT Agreement will not be
12 affected thereby. It is the intention of the Parties that if any provision is so held to be illegal, invalid or
13 unenforceable, there will be added in lieu thereof a provision as similar in terms to such provision as is
14 possible that is legal, valid and enforceable. Notwithstanding the foregoing, to the extent that the Real Estate
15 and the Project are not fully exempt from property tax, this Section 4.8 is null and void.

16
17 Section 4.9 No Joint Venture

18 Nothing contained in this PILOT Agreement will be construed to constitute any Party as a joint venturer
19 with the City or to constitute a partnership between any Party and the City.

20
21 Section 4.10 Construction

22 The Parties acknowledge that: (i) each party and each party's legal counsel have reviewed and revised this
23 PILOT Agreement, and (ii) the normal rule of construction to the effect that any ambiguities are to be
24 resolved against the drafting party will not be employed in the interpretation of this PILOT Agreement or
25 any amendments or exhibits hereto.

26
27 Section 4.11 Authorization

28 The persons executing and delivering this PILOT Agreement on behalf of the Parties hereto represent and
29 warrant to the other party that such person is duly authorized to act for and on behalf of said party, and
30 execute and deliver this PILOT Agreement in such capacity as is indicated below.

31
32 Section 4.12 Assignment and Successor

33 (a) This PILOT Agreement shall be binding upon City, and the Owner, and all successor, grantees, or
34 assignees of the Owner with respect to the Real Estate and the Project (or any portion thereof) which would
35 otherwise qualify for PILOT under applicable state of Indiana law and be entitled to claim an exemption for
36 real property taxes imposed on the Real Estate and the Project.

37 (b) Any assignment or transfer of this PILOT Agreement as a security for one or more loans must be
38 approved by the City in writing prior, which approval shall be promptly given, to the assignment or transfer,
39 regardless of this PILOT Agreement's contemplation of such possible assignment or transfer.

40
41 Section 4.13 Recording

42 (a) The City at the Owner's expense (for reimbursement to the City) will cause this PILOT Agreement
43 and any other instruments of further assurance to be promptly recorded, filed, and/or registered as directed
44 under a Section 2 herein titled Recording and Filing of the PILOT Agreement and the PILOT Ordinance.

45 (b) This PILOT Agreement and any other instruments of further assurance including all
46 modification(s), waiver(s), amendment(s), discharge(s), or change of this PILOT Agreement or the PILOT
47 shall at all times be timely recorded, filed and registered within ten (10) business days of the Effective Date,
48 in such manner and in such places as may be required by law to preserve and protect fully the rights of the
49 Parties hereunder as to Real Estate and the Property, and all of the property that may be mortgaged.

1 **IN WITNESS WHEREOF**, the undersigned Parties have caused the execution of this PILOT
2 Agreement by their duly authorized officers as of the Effective Date.

3
4 **Execution of the PILOT Agreement on the following pages**

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6 *[Remainder of this page intentionally left blank]*
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MICHIGAN CITY COMMON COUNCIL

ORDINANCE NO. ____

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF
MICHIGAN CITY, INDIANA AMENDING THE TEXT OF
THE MICHIGAN CITY COMPREHENSIVE ZONING ORDINANCE NO. 4120
(REFERRED TO AS THE HOUSING INFILL AMENDMENT)**

WHEREAS, the Plan Commission of the City of Michigan City, Indiana (the "Plan Commission") has the responsibility, in accordance with Appendix C - Joint Zoning Ordinance of the City of Michigan City Municipal Code (also referred to herein as "the Municipal Code") and Section 27.03 of the Michigan City Comprehensive Zoning Ordinance No. 4120 (also referred to herein as "the Zoning Code") and in accordance with Indiana Code 36-7-4-605, to act as an advisory board to the Common Council of the City of Michigan City concerning the Zoning Code of the City of Michigan City, Indiana; and,

WHEREAS, the Plan Commission may, pursuant to Indiana Code 36-7-4-602(b), initiate a proposal to amend or partially repeal the text of the Zoning Code; and,

WHEREAS, the Plan Commission has: considered the study performed by the Planning Department on housing needs in Michigan City and the report submitted to the Plan Commission; reviewed and studied the recommendations provided by its own Planning Department staff concerning the make-up of residential housing and neighborhoods in Michigan City and the acute housing shortage therein; considered the proposals made by its staff; reviewed the proposed amendment to the Zoning Code submitted by its staff and referred to as the "Housing Infill Amendment"; and received and discussed the proposals at its meeting held on May 26, 2026; and,

WHEREAS, as presented to, and approved by, the Plan Commission at its public meeting held on May 26, 2026, the Housing Infill Amendment adds new rules concerning minimum housing square footage and setbacks within the R1E and R1D districts, and adds a few complimentary, and deletes a few contradictory, provisions found in the existing Zoning Code; and,

WHEREAS, upon notice having been duly published and a public hearing held, the Plan Commission: made findings of fact; approved the Housing Infill Amendment, a copy of which is in the offices of the Plan Commission and the Michigan City Clerk; and approved and adopted Plan Commission Resolution No. 01-2026, certified its approval and favorable recommendation, and forwarded this with a favorable recommendation to the Common Council of the City of Michigan City, Indiana (the "Common Council") with the recommendation that the Common Council approve and adopt the Housing Infill Amendment; and,

WHEREAS, pursuant to Indiana Code 36-7-4-607, the Common Council has the authority and duty to consider, adopt, reject or amend changes to the Zoning Code; and, as evidenced by Resolution 01-2026, the Plan Commission filed with the Common Council Resolution 01-2026 together with Exhibit A to said Resolution, which is the entire text of the proposed amendment and which is incorporated into this Ordinance and made a part hereof; and,

WHEREAS, upon notice having been duly published, the Common Council considered the Housing Infill Amendment at the regular monthly meeting of the Common Council held on May 26, 2026; and,

WHEREAS, the Michigan City Common Council has reviewed Resolution 01-2026 of the Plan Commission of the City of Michigan City, Indiana, Exhibit A, the Findings of Fact contained therein, and related information and has received and considered comments from the public regarding the proposed Zoning Code changes contained in the Housing Infill Amendment which adds new rules concerning minimum housing square footage and setbacks in the R1E and R1D

Districts, adds and deletes certain provisions related to minimum floor areas; and,

WHEREAS, the Michigan City Common Council has determined that amending the Zoning Code to adopt and incorporate the Housing Infill Amendment would be in the best interests of the entire City of Michigan City, Indiana; and,

WHEREAS, the Michigan City Common Council now finds that the Zoning Code should be amended to incorporate the changes in the Housing Infill Amendment as delivered to the Common Council by the Plan Commission and certified to the Common Council with a favorable recommendation by the Plan Commission as set forth in the Plan Commission Resolution No. 01-2026.

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

Section 1. That the foregoing recitals are incorporated herein by reference.

Section 2. That, after review of the Plan Commission Resolution No. 01-2026 and the related Findings of Fact and other information contained therein, and after review of the Housing Infill Amendment together with **Exhibit A**, which was provided to the Common Council with said Resolution and attached hereto and incorporated herein as Exhibit A, having given due consideration to how the proposed Zoning Code changes will affect or conform to: 1) the City's Comprehensive Plan; 2) the current conditions and the character of current structures and uses in the entire City of Michigan City; 3) the most desirable uses for which residential property in the City of Michigan City is adapted; 4) the need to conserve property values throughout the City of Michigan City; and 5) whether the proposed changes are consistent with responsible development and growth in the City of Michigan City; and having considered all of the evidence in the record before it and applying the appropriate standards to guide its determination, the Common Council now adopts the Housing Infill Amendment and **Exhibit A** and approves all of the changes to the current Zoning Code contained in said Housing Infill Amendment and **Exhibit A**.

Section 3. That from and after the passage and publication of this ordinance, the amendments and additions described above shall be included in the Zoning Code which is hereby amended and revised accordingly.

Section 4. That this Ordinance, after its passage and approval by the Mayor of Michigan City, Indiana, shall be published once each week for two consecutive weeks in the LaPorte Herald Dispatch, a daily newspaper of general circulation.

INTRODUCED BY: _____

Bryant Dabney, Member
Michigan City Common Council

Adopted this ____ day of _____, 2026 by the Common Council of the City of Michigan City, Indiana.

Tracie Tillman, President
Michigan City Common Council

This Ordinance is approved/vetoed (circle choice) by me this ____ day of _____, 2026.

Angie Nelson Deutch, Mayor
City of Michigan City, Indiana

ATTEST: _____
Gale A. Neulieb, City Clerk
City of Michigan City, Indiana

EXHIBIT A

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF MICHIGAN CITY, INDIANA AMENDING THE TEXT OF THE MICHIGAN CITY COMPREHENSIVE ZONING ORDINANCE NO. 4120

The Michigan City Comprehensive Zoning Ordinance No. 4120 referred to herein as "the Zoning Code" is amended to incorporate the following additions and deletions:

1. Article 04 Single Family Residential Districts shall be amended by the following:

- (a) deleting Table 04.04 in its entirety and replacing it with the following which shall be added to Section 04.04.:

Neighborhood Preservation Table

Table 04.04 Building Dimensional Requirements (a)												
District	Max. building height (b)		Min. setbacks (ft.) (c, d, e, f, g, m)						% Lot coverage (j)		Min. floor area (m)	
	Height (ft.)	Height (st.)	Front yard	Interior Side yard ¹	Side Street Yard	Total both sides	Rear yard	Water-way (h, i)	Building	Imper. surface	Total (sq. ft.)	First floor (sq. ft.)
R1A - Single family residential	35	2.5	40	15	40	30	25	75	35%	45%	1000	800
R1B - Single family residential	35	2.5	25	10	25	20	25	75	35%	45%	1000	800
R1C - Single family residential	35	2.5	25	5	25	15	25	75	45%	55%	1000	800
R1D - Single family residential ¹	35	2.5	20	5	20	15	20	75	45%	55%	1000	800
R1E - Waterfront residential ²	35	2.5	20	7	20	14	20	75	50%	55%	1000	800
Table Notes:												
1. See Subsection (m) below.												
2. See Subsection (k) below.												

- (b) deleting Subsection (1)(3) Neighborhood Conservation to the end of Article 04 in its entirety.

2. Article 04 Single Family Residential Districts shall be amended by adding the following new Subsection 04.04(m) to follow existing Subsection 04.04(1)(3)d.2:

(m) *Neighborhood Conservation for Infill Housing*

- a. *Purpose.* The City includes areas that have been developed for many years. Therefore, applying regulations to existing development has created situations in which existing lot dimensions and buildings and structures do not strictly comply with the requirements, even though they complied at the time they were permitted and constructed. The fact that these nonconformities were at onetime conforming means that they are now deemed "legally nonconforming" and therefore, are permitted to continue

without substantive changes until site, building or structure, or land use changes are proposed.

- b. The purpose of this Subsection is to enable reinvestment on developed, nonconforming lots and new investment on vacant lots provided property improvements preserve and are compatible with the character and bulk and scale of development. A demonstration of conformance may warrant compliance with the standards of this Section or may allow adaptation to alternate development standards by the enforcement official without requiring hardship or a variance process. Further, lawfully constructed buildings, structures, and platted lots may be deemed conforming rather than nonconforming.
- c. *Applicability.* Within the R1E and R1D districts, a number of properties are nonconforming by reason of the lot area, width, or width-to-depth ratio, and due to the percent of building or impermeable surface coverage. These nonconformities effect both developed and vacant lots, as applicable. A nonconforming designation imposes limitations on the ability to alter, expand, improve, or replace buildings as provided in Section 29.02, *Nonconforming Structures and Buildings*, and Section 29.03, *Nonconforming Lots*. Furthermore, such designation may also affect loan approval or require variances prior to property improvement. These limitations deter investment and reinvestment and the ability to sustain a quality character and economic integrity of the neighborhood over time.
- d. *Declaration of Conformity.* Subject to the exceptions set out in Subsection (4)(c)(4) below:
 1. Lots that lawfully existed as of January 1, 2019, are deemed "conforming" with respect to lot area, lot width, and the width-to-depth ratio provided the lot is subject to an approved and recorded subdivision plat for which no metes-and-bounds adjustments have been made to the lot boundaries;
 2. Principal and accessory buildings or structures that lawfully existed as of January 1, 2019, or that were the subject of an active building permit, are conforming with respect to building coverage;
 3. Any addition to or alteration of a principal or accessory building or structure and the cumulative lot coverage, including building and impervious surface coverage, after January 1, 2019, must comply with the following:
 - a. *Developed Lots:*
 1. The standards of Table 04.04, *Building Dimensional Requirements*;
 2. Minor modifications approved by the Enforcement Official, or a designee, that do not exceed five percent of any required dimensional standard of this Ordinance and which may be demonstrated not to impose

material impacts on public rights-of-way, easements, or adjacent properties;

3. If a proposed building or structure modification or expansion does not and may not comply with the standards of Table 04.04, *Building Dimensional Requirements*, then the application shall be evaluated according to the alternate standards outlined below; and then
4. As allowed by a variance authorized by the Board of Zoning Appeals.

b. *Undeveloped Lots:*

1. The standards of Table 04.04, *Building Dimensional Requirements*, or if the subject lot is nonconforming as of January 1, 2019:
2. The alternate standards outlined below.

e. *Exceptions.* A declaration of conformity however, does not make the following conforming:

1. A primary plat that was approved by the City but for which secondary plat approval was not granted within 120 days;
2. Construction of a principal structure on more than one lot of record without approval of a replat;
3. Principal or accessory buildings or structures that were constructed or modified without or in violation of required permits;
4. Principal or accessory buildings or structures that encroach into public rights-of-way or easements (including The Esplanade);
5. Buildings that were permitted and constructed as a single-family detached dwelling and later converted to a two-family unit or multiplex (three to five units) without required permits, or were not in conformance with the applicable zoning designation; and
6. Accessory buildings or structures that were located within a setback without approval of a variance.

f. *Alternative Standards.*

1. *Generally.* Alternative setbacks may be applied only if demonstrated that the standards of this Subsection are met, and:
 - a. The proposed construction does not interfere with a planned expansion of right-of-way, and if right-of-way expansion is planned, the encroachment is evaluated as if the right-of-way has been expanded;
 - b. The proposed construction does not result in interference with any easement;
 - c. Drainage onto abutting properties or rights-of-way does not significantly alter or substantially change the conditions before the proposed development;

- d. The proposed construction does not result in a nonconformity with respect to the building code on either the lot proposed for development or abutting lots;
 - e. If the parcel that abuts the improvement is used for residential purposes, the proposed construction is built to building code standards that would allow construction of the abutting lot to be built to the same standard along the same setback line; and
2. The proposed construction does not reduce the area provided for parking to fewer spaces than required by subsection f. number 7.
3. *Front Setback Averaging* [Figure 04.03](#)). Front setbacks may be reduced to the average front setback along the same side of the same street segment in the same zoning district, provided that:
 - a. The lot proposed for development and any lot that encroaches a public right-of-way or easement is not counted in the calculation; and
 - b. If the lot takes vehicular access from the front, the proposed driveway must be:
 1. Of sufficient length to provide parking behind the averaged front yard setback or Side Street Yard setback if a corner lot.
 2. Of sufficient width for a vehicle and not less than nine feet or more than 18 feet in width.
 - c. Minimum of four house is along the same side of the same street segment:
 1. If less than four houses are located on the same side of the same street segment then the opposite side of the street will be used.

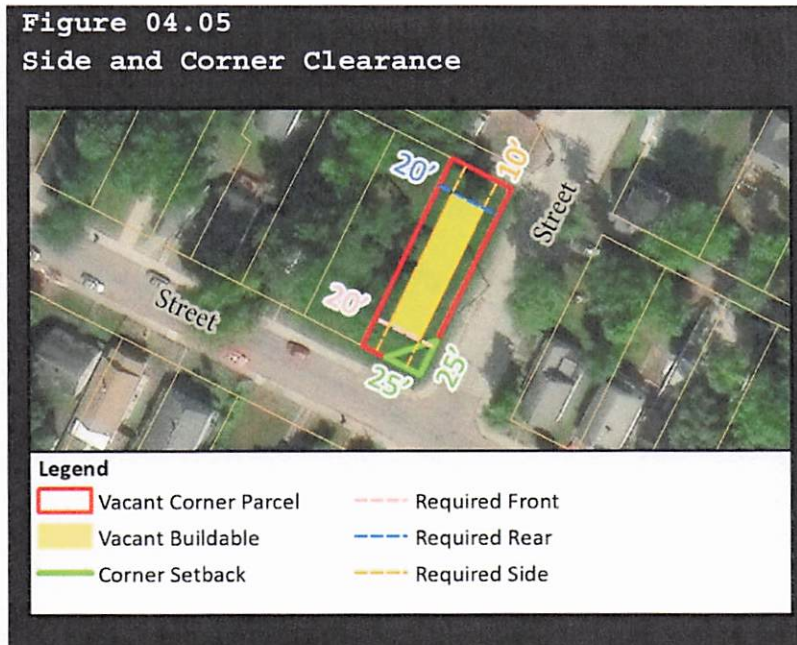
Figure 04.03
Front Setback Averaging



4. *Interior Side and Rear Yard Setbacks*. The interior side and rear yard setbacks can be the average prevailing setbacks on the lots on either side or within two lots of the same street frontage, provided no interior side setback may be less than five feet (5') and still maintaining no less than ten feet (10') between adjacent

structures. No rear setback may be less than twelve feet (12') but must still meet parking standards as provided in 8. *Parking Standards for Neighborhood Conservation*.

5. *Side Street Yard Setback* (Figure 04.05). In the instance of a corner lot, the side street setback can be reduced to ten feet (10') but no structure can encroach into the corner clearance triangle as defined in Section 15.06 *Corner Clearance*.
6. *Building Coverage Ratio*. The Enforcement Official may approve additional building coverage up to ten percent greater than that required Table 04.04, *Building Dimensional Requirements*, if it is demonstrated that:
 - a. The increased building coverage does not increase the extent of any other nonconformity present on the property;
 - b. The impact will be no greater than it was before the construction of the additional building coverage; and



- c. The increased building coverage does not increase the extent of any other nonconformity present on the property;
 - d. The impact will be no greater than it was before the construction of the additional building coverage; and
 - e. The bulk (volume) of the building is not greater than that of a building that could be constructed at the maximum building coverage as set out in Table 04.04, *Building Dimensional Requirements*.
7. *Minimum Total Floor Area Averaging*. Minimum floor area may be reduced to the average total floor area of buildings along the same side of the same street segment in the same zoning district with a minimum of 650 square feet building footprint total. If less than four houses are located on the same side of the same street segment, then the opposite side of the same street of the segment street can be used.
8. *Parking Standards for Neighborhood Conservation*. Parking must still account for the required off-street parking area in accordance with ARTICLE 18. - *PARKING AND TRANSPORTATION PROVISIONS*. For the purposes of

this section (1) Neighborhood Infill, a dwelling unit may reduce the required residential parking standard to a 1:1 ratio where on-street parking is allowed directly in front or to the side of the lot. Off-street parking cannot be provided within the front yard setbacks.

END of Exhibit "A"