AGENDA

COMMON COUNCIL - SPECIAL MEETING

Monday, April 13, 2020

Meeting to be held at **5:00 p.m.**, local time,
Hosted by "Zoom" and Streaming Live on
"My Michigan City" Facebook Page

FILED
APR 08 2020
GALE A. NEULIEB
CITY CLERK
CITY OF MICHIGAN CITY

CALL TO ORDER BY COUNCIL PRESIDENT

PLEDGE OF ALLEGIANCE TO THE FLAG and PRAYER

ROLL CALL

ORDINANCE

ORDINANCE
3rd Reading

AN ORDINANCE TO AMEND SECTION 2-399 OF THE MICHIGAN CITY MUNICIPAL CODE DESIGNATING THE COMMON COUNCIL AS THE CITY AGENCY WITH THE SOLE AUTHORITY TO APPROVE PURCHASE ORDERS FROM THE CITY'S RIVERBOAT FUND AND BOYD DEVELOPMENT FUND

Introduced by: Bryant Dabney
Co-Sponsor: Tracie Tillman
Paul A. Przybylinski
Don Przybylinski

NEW BUSINES

Executive Order: Order 04-2020 DECLARING A PUBLIC HEALTH EMERGENCY DUE TO THE CORONAVIRUS PANDEMIC & IMPLEMENTING CERTAIN PUBLIC HEALTH AND SAFETY MEASURES

ADJOURNMENT

Gale A. Neulieb, City Clerk

Please contact the Clerk's Office at 219-873-1410 if you require information regarding building accessibility or reasonable accommodations. Office hours are Monday-Friday from 8:00 a.m. to 4:30 p.m.

FILED
APR 08 2020
GALE A. NEULIEB
CITY CLERK
CITY OF MICHIGAN CITY

MICHIGAN CITY COMMON COUNCIL

ORDINANCE NO. _____

AN ORDINANCE TO AMEND SECTION 2-399 OF THE MICHIGAN CITY MUNICIPAL CODE DESIGNATING THE COMMON COUNCIL AS THE CITY AGENCY WITH THE SOLE AUTHORITY TO APPROVE PURCHASE ORDERS FROM THE CITY'S RIVERBOAT FUND AND BOYD DEVELOPMENT FUND

WHEREAS, on July 6, 2010, the Michigan City Common Council enacted Ordinance No. 4096, which was codified in Section 2-399 of the Michigan City Municipal Code, to establish the Common Council as the sole authority to approve any and all claims, expenditures and transfers from the City's Riverboat and Boyd Development Funds; and

WHEREAS, Sec. 2-399 currently reads as follows:

*"**Sec. 2-399. - Riverboat fund; Boyd development fund.***

The common council is designated as the city agency with the sole authority to approve any and all claims against, and any and all expenditures and transfers from, the city's riverboat fund and Boyd development fund.

(1) No expenditure or transfer from the city's riverboat fund or Boyd development fund shall be allowed or made without the written approval of the common council.

(2) The city controller shall timely prepare an appropriate claims/accounts payable vouchers for approval by the common council at a public meeting.

(3) The city controller, as he deems necessary, shall timely prepare an appropriate written request to transfer funds from the city's riverboat fund and Boyd development fund, along with an appropriate resolution approving the transfer, for the common council's approval at a public meeting.

(4) The claims/accounts payable vouchers and requests transfers shall be prepared in a timely fashion so as to avoid the city incurring any late payment penalties or unnecessary delay or default in payment of any of the city's bills.

(5) The controller shall submit the appropriate supporting documentation, including that required by state law and the state board of accounts, to the common council for each claim/accounts payable voucher the common council is asked to approve;" and

WHEREAS, on June 5, 2017, the Michigan City Board of Public Works & Safety enacted the City's Purchasing Policy, and Section 6.1(A) of the Purchasing Policy states that "*If a purchase is over $00.01, prior to completing the purchase, the Purchasing Agent shall submit a purchase order to the City Controller's Office for approval to purchase*;" and

WHEREAS, the Michigan City Common Council has determined that the need exists to amend Sec. 2-399 to follow Section 6.1(A) of the City's Purchasing Policy and to grant the

Common Council with authority to approve an expenditure from the City's Riverboat Fund and/or Boyd Development Fund prior to the actual purchase of goods or services by a City Department.

NOW, THEREFORE, BE IT ORDAINED that Section 2-399 of Chapter 2 of the Michigan City Municipal Code shall be amended to now read as follows:

Sec. 2-399 – Riverboat Fund; Boyd Development Fund

The Common Council is designated as the City agency with the sole authority to approve any and all claims against and any and all expenditures and transfers from the City's Riverboat Fund and Boyd Development Fund.

1. With the exception of an emergency purchase as defined in I.C. 5-22-10-4, no expenditure or transfer from the City's Riverboat Fund or Boyd Development Fund shall be allowed or made without the prior approval of a purchase order for the purchase by the Michigan City Common Council at a public meeting.

2. For each purchase order the Common Council is asked to approve, the City Controller shall prepare an appropriate purchase order, accompanied by the appropriate documentation, including that required by Indiana law, the Indiana State Board of Accounts, and by the City's Purchasing Policy, (ie: quotes, bids, etc… as outlined in the City's Purchasing Policy effective June 5, 2017, which may include the relevant documentation that had been submitted to the Michigan City Board of Public Works & Safety for approval prior to said purchase) and submit it to the Common Council prior to the meeting at which it is to be considered for approval by the Common Council.

3. The City Controller, as deemed necessary, shall timely prepare an appropriate written request to transfer funds to fund the purchase order from the City's Riverboat Fund or Boyd Development Fund, along with an appropriate resolution approving the transfer, for the Common Council's approval at a public meeting.

4. The City Controller shall submit a report detailing each payment against all previously approved purchase orders paid for from the City's Riverboat Fund and Boyd Development Fund. The report shall include vendor name, amount of payment, purchase order number, check number, date of payment, and balance, if any, remaining on said purchase order.

5. All claims/accounts payable vouchers and requests for transfers shall be prepared in a timely fashion to avoid the City incurring any late payment penalties or unnecessary delay or default in payment of any of the City's bills.

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

INTRODUCED BY: _____
Bryant Dabney, Member
Michigan City Common Council

CO-SPONSOR _____
Tracie Tillman, Member
Michigan City Common Council

CO-SPONSOR _____
Paul A. Przybylinski, Member
Michigan City Common Council

CO-SPONSOR _____
Don Przybylinski, member
Michigan City Common Council

Passed by the Common Council of the City of Michigan City, Indiana, this _____ day of _____, 2020 by a vote of _____ to _____.

_____
Sean Fitzpatrick, President
Michigan City Common Council

Approved by me, this _____ day of _____,2020.

_____
Duane Parry, Mayor
City of Michigan City, Indiana

ATTEST:

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

Gale Neulieb

To: Proposed Ordinances/Resolutions-Council
Subject: proposed ordinance
Attachments: Gale A_ Neulieb.vcf; ordinance-amend-sec. 2-399 riverboat and boyd.docx

Good Morning,
The attached proposed ordinance has been revised adding Council member Tillman, D. Przybylinski, P. Przybylinski.
Have a great day..

gale

Gale A. Neulieb
Clerk

City of Michigan City
100 E. Michigan Blvd.
Michigan City, IN. 46360

(219) 873-1410 Work
galen@emichigancity.com

Gale Neulieb

To: Proposed Ordinances/Resolutions-Council
Cc: EVERYBODY; Duane Parry; Chris Yagelski; Janet Beutner; Yvonne Hoffmaster (yhoffmaster@emichigancity.com); Tamiko Smith; Debi Studtman; Marylynn Wall
Subject: proposed ordinance
Attachments: Gale A_ Neulieb.vcf; ordinance-amend-sec. 2-399 riverboat and boyd.docx

The attached proposed ordinance will be on the March 3rd council meeting agenda.
Thank you.

Gale

Gale A. Neulieb
Clerk

City of Michigan City
100 E. Michigan Blvd.
Michigan City, IN. 46360

(219) 873-1410 Work
galen@emichigancity.com

Gale Neulieb

To: Proposed Ordinances/Resolutions-Council; jdept. heads
Cc: Amber Lapaich; Duane Parry; Chris Yagelski; Janet Beutner
Subject: amendment to proposed ordinance
Attachments: Gale A_ Neulieb.vcf; ordinance-amend-sec. 2-399 riverboat and boyd.docx

Please open the attached proposed ordinance that was amended at last night Council meeting for your files.
Thank you
gale

Gale A. Neulieb
Clerk

City of Michigan City
100 E. Michigan Blvd.
Michigan City, IN. 46360

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galen@emichigancity.com

FILED
APR 07 2020
GALE A. NEULIEB
CITY CLERK
CITY OF MICHIGAN CITY

EXECUTIVE ORDER: 04-2020

DECLARING A PUBLIC HEALTH EMERGENCY DUE TO THE CORONAVIRUS PANDEMIC & IMPLEMENTING CERTAIN PUBLIC HEALTH AND SAFETY MEASURES

WHEREAS, the Centers for Disease Control risk assessment indicates that the novel Coronavirus Disease ("COVID-19") is a serious public-health threat and that "sustained person-to-person spread will continue to occur, including throughout communities in the United States;" and

WHEREAS, the Centers for Disease Control reports that COVID-19 may cause severe illness, including illness resulting in death, particularly among the elderly and those with severe underlying health conditions such as heart disease, lung disease, asthma, and diabetes; and

WHEREAS, the spread of COVID-19 throughout the United States and Indiana poses a severe and imminent threat to public health and requires aggressive response measures to slow the spread of the disease and mitigate its impact; and

WHEREAS, guidance from the Centers for Disease Control, the World Health Organization, and other federal and international public-health authorities indicate that the prevention of public gatherings and other social-distancing measures are effective counter measures to prevent continued exponential spread of COVID-19 and to mitigate the risk that COVID-19 will overwhelm the capacity of our health-care systems; and

WHEREAS, the World Health Organization declared COVID-19 a Public Health Emergency of International Concern on January 30, 2020, and declared COVID-19 a pandemic on March 11, 2020; and

WHEREAS, the United States Secretary of the Department of Health and Human Services declared COVID-19 a public-health emergency for the United States on January 31, 2020; and

WHEREAS, on March 6, 2020, by virtue of Executive Order No. 20-02, Indiana Governor Eric Holcomb declared the COVID-19 outbreak a statewide public health disaster emergency, and on April 3, 2020, by virtue of Executive Order No. 20-17, Governor Holcomb extended the declaration of a statewide public health disaster emergency, which is set to expire on May 5, 2020, unless renewed; and

WHEREAS, on March 23, 2020, by virtue of Executive Order No. 20-08, Governor Holcomb issued a statewide stay at home directive for all Hoosiers, which allowed ***essential businesses*** to remain open while ordering non-essential business operations to cease and provided for only ***essential travel***; and

WHEREAS, on April 6, 2020, by virtue of Executive Order No. 20-18, Governor Holcomb replaced Executive Order No. 20-08 with Executive Order No. 20-18, which in large

part incorporated all the provisions of Executive Order No. 20-08 and extended the statewide stay at home directive for all Hoosiers, which remains in effect until 11:59 p.m. on April 20, 2020 unless rescinded, modified, or again extended; and

WHEREAS, Paragraph 3 and Paragraph 14(b) of Executive Order No. 20-18 add new provisions for conducting retail purchases of goods or services and also regulations for retail businesses and state as follows:

" *Stay at Home or Place of Residence*

...In conducting retail purchases of goods or services:

a. All individuals in the State should postpone making in-person purchases of goods and services unless and until such items are needed for sustenance, health, education, or employment;

b. All individuals in the State should use online or call-in ordering of goods and services with either delivery or curbside pickup to the greatest extent practicable;

c. In instances where an individual must visit a retail business, an individual should limit the number and frequency of retail businesses visited to purchase goods and services; and

d. All individuals in the State should limit the number of household members who travel to and enter stores for the purpose of making necessary purchases to the minimum necessary.

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14. Essential Businesses and Operations

b. Retail Businesses

Retail businesses providing the necessities of life include grocery stores, supermarkets, supercenters or mass merchandisers (provided they have a sizable food/grocery section such as Meijer and Walmart), specialty food stores, certified farmer's markets, farm and produce stands, convenience stores and gas stations, pharmacies, auto sales, auto supply auto maintenance or repair, farm equipment, construction equipment, bicycle shops, hardware and supply stores, office supply stores, pet supply stores, club stores (provided they have a sizable food/grocery section, such as Sam's Club or Costco), building material and supplies stores (e.g., Lowe's, Menards, Home Depot).

Retail businesses providing the necessities of life as described above may remain open to the public under the following conditions and restrictions:

i) Such businesses should limit the number of customers in their facility at any given time to achieve the CDC's required social distancing;

ii) Such businesses should limit their hours of operation and consider implementing separate operating hours for the elderly and other vulnerable customers; and

iii) Such businesses shall comply with social distancing and sanitation of applicable areas and other mitigation measures to protect its employees and the public.

As of 11:59 p.m. on April 7, 2020, all other retail businesses not included above as selling necessities of life may remain open only for online or call-in ordering with delivery or curbside pickup. These retail businesses shall comply with social distancing and sanitation of applicable areas and other mitigation measures to protect its employees and the public;" and

WHEREAS, the first confirmed death from COVID-19 occurred in La Porte County, Indiana on April 2, 2020; and

WHEREAS, as of April 6, 2020[1], the Indiana Health Department reports that there are 4,944 positive cases of COVID-19 and 139 deaths resulting from COVID-19 in the State of Indiana, and in particular, LaPorte County, Indiana has 21 positive cases of COVID-19 and 3 deaths resulting from COVID-19; and

WHEREAS, in addition to the State of Indiana, the State of Illinois has been identified as an emerging "hot spot" given the surge in number of confirmed cases and deaths of COVID-19 resulting in the Mayor of Chicago and Governor of Illinois recently transforming Chicago's McCormick Place into a makeshift hospital for COVID-19; and

WHEREAS, many individuals who reside in the State of Illinois have either a second summer home on Michigan City's lakefront or come to Michigan City, Indiana to stay in short-term rentals on the lakefront for extended periods of time; and

WHEREAS, within the last week, Michigan City has seen an increased presence of Illinois residents returning early to their summer homes and short-term rentals in the City; and

WHEREAS, Michigan City prides itself on being a destination for out-of-state guests who travel to our City to enjoy our lakefront and the amenities our City has to offer, however, during this health emergency, all resources must be maintained and preserved to the greatest extent possible for the health and safety of Michigan City residents; and

WHEREAS, in addition to the increased presence of out-of-state residents returning to their summer homes, last week our City experienced its first spring-like weather with increasing temperatures causing large crowds of people to venture out to the City's premier lakefront beach attraction, Washington Park; and

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[1] As of noon on April 7, 2020, the Indiana Health Department now reports that there are 5,507 positive cases of COVID-19 and 173 deaths resulting from COVID-19 in the State of Indiana, and in particular, LaPorte County, Indiana has 25 positive cases of COVID-19 and 3 deaths resulting from COVID-19.

WHEREAS, the warm weather has also caused individuals to embark outside of their residences in the later evening hours after essential businesses have closed and for reasons unrelated to seeking essential services; and

WHEREAS, our neighbor, the City of LaPorte, by and through Mayor Tom Dermody, recently enacted Executive Order No. 1-2020, which established certain rules and regulations for Essential Retail Establishments to reduce the number of person-to-person contact to try and combat the spread of COVID-19; and

WHEREAS, after reviewing Mayor Dermody's well-thought Executive Order No. 1-2020, I believe it would be in the best interest of the City of Michigan City to enact similar rules and regulations for the City of Michigan City; and

WHEREAS, pursuant to I.C. § 36-4-5-2, I, as the Mayor of Michigan City, Indiana, serve as the Executive of the City; and

WHEREAS, I.C. § 10-14-3-1 provides that an epidemic or other public-health emergency may constitute a disaster supporting the declaration of a disaster emergency; and

WHEREAS, pursuant to I.C. § 10-14-3-29, a local disaster emergency may be declared by the principal executive officer of a political subdivision and may not be continued or renewed for more than seven (7) days except by or with the consent of the governing board of the political subdivision; and

WHEREAS, in addition to I.C. § 10-14-3-29, Michigan City Municipal Code Sec. 34-1 provides the Mayor with the ability to declare an emergency and also the ability to put into effect a curfew between such hours as he deems necessary for the protection of persons and property; and

WHEREAS, in an effort to attempt to flatten the curve, slow the spread, and/or stop the spread of COVID-19 in our community, it is in the best interest of the public and our residents herein that the following public health and safety measures be implemented:

- Establish rules/regulations for all Essential Retail Businesses in the City of Michigan City limiting the number of customers in an establishment at any given time;
- Establish a City-wide curfew;
- Temporary closure of Washington Park and Pullman Park;
- Require out-of-state residents, who have second homes in Michigan City, Indiana to self-quarantine upon arrival to Michigan City for fourteen (14) days; and
- Temporarily prohibit the use of commercial lodging (including but not limited to hotels and motels) and all short-term rentals (including but not limited to Airbnb and

VRBO) in Michigan City, Indiana for vacationing and leisure, and permit occupancy only for certain authorized guests as more particularly described in this Order.

NOW, THEREFORE, BE IT ORDAINED, I, Duane Parry, Mayor of Michigan City, Indiana, do hereby issue the following Executive Order:

1. The local disaster emergency in the City of Michigan City, Indiana shall be effective at 12:01 a.m. CST on Wednesday, April 8, 2020. This emergency is attributable to the coronavirus (COVID-19) pandemic.

2. I have asked the Michigan City Common Council ("Common Council") to consent to an extension of this renewal through 11:59 p.m. on May 4, 2020, and I request that the Common Council schedule a meeting prior to the expiration of this Executive Order to consider this request. This declaration shall continue through 11:59 p.m. on May 4, 2020, unless the Common Council declines to consent to that extension. Should the Common Council decline to consent, this declaration will expire at 11:59 p.m. on Tuesday, April 14, 2020.

3. I hereby order, in the interest of the public, that all Essential Retail Businesses in the City of Michigan City shall limit the number of customers in their establishment at one time. An Essential Retail Business in the City of Michigan City shall not allow more than two (2) customers per 1,000 square feet of retail space. Any Essential Retail Business with more than 75,000 square feet of retail space is capped at 150 customers at one time. Essential Retail Businesses with 2,000 square feet of retail space or less may allow up to five (5) customers at one time. For purposes of calculating square feet, an Essential Retail Business may only include the square footage of actual retail space in the essential retail establishment. Essential Retail Businesses may round up to the nearest 1,000 square foot for purpose of calculating their square footage. Essential Retail Businesses shall actively monitor and enforce these limits. Essential Retail Businesses for this Executive Order shall have the same definition as the Executive Order 20-18 issued by the Indiana Governor on April 6, 2020.

   Example: An Essential Retail Business has 2,350 square feet of actual retail space. This retailer may round up to 3,000 square feet for purposes of calculating their square footage. Thus, this Essential Retail Business may have six (6) customers at one time.

   Example: An Essential Retail Business has 60,000 square feet of actual retail space. This Essential Retail Business may have up to 120 customers at one time.

   Example: An Essential Retail Business has 80,000 square feet of actual retail space. Even though the square footage allows up to 160 customers, this Executive Order caps customers at one time at 150 customers.

Example: An Essential Retail Business has 1,300 square feet of actual retail space. This Essential Retail Business may allow up to five (5) customers at one time.

4. I hereby order that customers are limited to one (1) person per family while shopping at Essential Retail Businesses in the City of Michigan City. Individuals properly identified that work for third party delivery services (ie: Instacart, etc..) shall not be considered customers of the Essential Retail Business and shall not count toward the customer maximum number established by Paragraph #3 immediately above.

5. A City-wide curfew is hereby enacted wherein no person shall be or remain upon any street or remain or loiter in any motor vehicle or public place between the hours of 10:00 p.m. and 5:00 a.m. Per Governor Holcomb's Executive Order No. 20-18, the following are exempt from the City-wide curfew:
   a. Individuals traveling to and from work whose employer or business is deemed an Essential Business and patrons of Essential Businesses;
   b. Individuals employed by government or municipal unit identified as an Essential Government Function;
   c. Individuals employed by or seeking the services of Healthcare and Public Health Operation;
   d. Individuals employed by or seeking the services of a Human Service Operation;
   e. Individuals providing Essential Infrastructure; and
   f. Individuals engaging in Essential Travel.

   Sec. 34-2(b) and Sec. 34-2(c) of Michigan City Municipal Code shall not be applicable to this Executive Order at this time. (*see* Paragraph 14(c) of Governor Holcomb's Executive Order No. 20-18).

6. I hereby order the temporary closure of Pullman Park and Washington Park, including but not limited to all parking areas in and around the Senior Center, Fedder's Alley, and the Zoo. To the extent that Governor Holcomb's Executive Order No. 20-18 has defined marinas, ports, and docks as Essential Infrastructure and Essential Businesses and Operations, the Michigan City Port Authority and the Indiana Coast Guard are exempt from this Order.

7. An individual(s) who maintains a second home in Michigan City, Indiana, who is arriving to our City from outside the State of Indiana, especially those individuals traveling from identified "hot spots," which include but are not limited to Illinois, New York, and Florida, shall self-quarantine for fourteen (14) days regardless of whether they are exhibiting signs or symptoms of COVID-19.

8. Commercial lodgings (which include but are not limited to hotels and motels), short term rentals (which include but are not limited to Airbnb and *VRBO*), and vacation rentals in Michigan City shall only permit occupancy for the following authorized guests:
   a. Healthcare professionals;
   b. First responders;

c. Law enforcement;
d. State or federal employees on official business;
e. National Guard Members on active duty;
f. Airline crew members;
g. Patients of hospitals and their families;
h. Journalists;
i. Persons unable to return to their home due to COVID-19 travel restrictions;
j. Local residents unable to return to their home due to exigent circumstances, such as fire, flood, tornado, or other disaster;
k. Persons in need of shelter due to domestic violence or homelessness;
l. Employees of hotels, motels, or other service providers/contractors of a hotel or motel; and
m. Persons away from home due to work or work-related travel.

Any unauthorized guest, as well as the commercial lodging, short term rental, and/or vacation rental who rent, lease, or otherwise provide access to their property to an unauthorized guest, may be subject to violation of this Order.

9. Violations of this emergency order are punishable under I.C. § 10-14-3-24 and I.C. § 10-14-3-34.

10. Anyone engaging in activities permitted under this Executive Order or the Governor's Executive Order 20-18 should observe Centers for Disease Control guidance on appropriate social distancing (maintaining six feet of separation from others) and observe responsible practices to help limit the spread of disease (frequent hand washing for at least 20 seconds, covering all coughs and sneezes, and disinfecting frequently used surfaces).

11. All individuals in high-risk populations-including the elderly and those with chronic medical conditions like heart disease, diabetes, asthma, or lung disease are strongly encouraged to avoid all public gatherings and to minimize all travel to the maximum extent possible.

12. I have considered the scope of my authority under state law and City of Michigan City Sec. 34-1, *et seq.*, social and economic impacts, anticipated effectiveness, and current epidemiology of this pandemic.

13. This order will be filed with the City Clerk of the City of Michigan City in conformity with I.C. § 10-14-3-29(a).

Dated this 7th day of April, 2020.

Duane Parry, Mayor
Michigan City, Indiana