



**A G E N D A**  
**COMMON COUNCIL - REGULAR MEETING**

**Tuesday, September 1, 2020**

Meeting to be held at **6:00 p.m.**, local time,  
hosted by "Zoom Webinar" and streaming live on "My Michigan City"  
Facebook page

**To connect to the webinar, please see the attached instructions**

**FILED**

**AUG 27 2020**

**GALE A. NEULIEB  
CITY CLERK  
CITY OF MICHIGAN CITY**

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**CALL TO ORDER BY COUNCIL PRESIDENT**

**ROLL CALL**

**REPORTS of STANDING COMMITTEES**

**FINANCE COMMITTEE REPORT**

**CLAIMS DOCKET**

**September 1, 2020** Riverboat/Boyd Claim Docket  
Fund #2042 – Riverboat – Claims \$ 26,084.45

Fund #2031 – Boyd – Claims \$ 275.00

**TOTAL \$26,359.45**

**REPORTS of SPECIAL or SELECT COMMITTEES**

**REPORTS of OTHER CITY OFFICERS and DEPARTMENTS**

**RESOLUTION**

**A RESOLUTION OF THE COMMON COUNCIL OF MICHIGAN CITY, INDIANA, COMMEMORATING THE CENTENNIAL OF THE RATIFICATION OF THE NINETEENTH AMENDMENT AND HONORING WOMEN'S EQUALITY DAY**

**Introduced by: Dalia Zygas  
Co Sponsor: Angie Nelson Deutch**

**ORDINANCE**

**ORDINANCE  
1<sup>ST</sup> Reading**

**CREATING SECTION 82-68 IN ARTICLE III (PARK RULES) IN CHAPTER 82 (PARKS AND RECREATION) OF THE MICHIGAN CITY MUNICIPAL CODE TO PROVIDE A MECHANISM FOR ENFORCEMENT FOR ALL PARK RULES**

**Introduced by: Paul A. Przybylinski**

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

**APPROVING ADDITIONAL APPROPRIATION IN THE BUDGET  
OF THE BARKER CIVIC CENTER FUND FOR THE PURCHASE  
OF SUPPLIES TO RESTOCK THE GIFT SHOP FOR THE  
BARKER CIVIC CENTER**

(DECREASE Barker Civic Center Fund # 2070 Unappropriated balance \$1,200.00. INCREASE ACCOUNT# 2070.000.429.001 \$1,200.00 Other Supplies)

**Introduced by: Bryant Dabney, Member**

***News Dispatch*  
August 19, 2020**

**Formal Public  
Hearing will be held  
September 1, 2020**

Note: On July 21, 2020 there was a Regular "ZOOM" Council meeting with the proposed ordinance being read on 1<sup>st</sup> reading; not having a Regular Council meeting on August 4, 2020, this will be brought to the Council on 2nd reading this evening.

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

**CREATING SECTION 2-410.2 IN CHAPTER 2 OF THE  
MICHIGAN CITY MUNICIPAL CODE TO CREATE AN AIRPORT  
DONATION FUND**

**Introduced by: Gene Simmons, Member**

Note: On July 21, 2020 there was a Regular "ZOOM" Council meeting with the proposed ordinance being read on 1<sup>st</sup> reading; not having a Regular Council meeting on August 4, 2020, this will be brought to the Council on 2nd reading this evening.

**ORDINANCE  
2nd Reading**

**ESTABLISHING RULES FOR ATTENDANCE AT AND THE  
USE OF WASHINGTON PARK AND PENALTIES FOR  
VIOLATING SAME AND FOR VIOLATING PARK DEPARTMENT  
RULES CONCERNING THE USE OF WASHINGTON PARK AND  
THE ZOO**

**Introduced by:** Paul A. Przybylinski  
**Co-Sponsor:** Sean Fitzpatrick  
**Co-Sponsor:** Don Przybylinski

Note: The proposed ordinance was tabled at the Special meeting on July 30, 2020 with Councilman P. Przybylinski asking to "TABLE" it until the September 1, 2020 meeting

**UNFINISHED BUSINESS**

**NOMINATIONS:** The Council has one (1) appointment to the Sustainability Commission; term expires 05/01/20; incumbent: Ms. Nancy Moldenauer

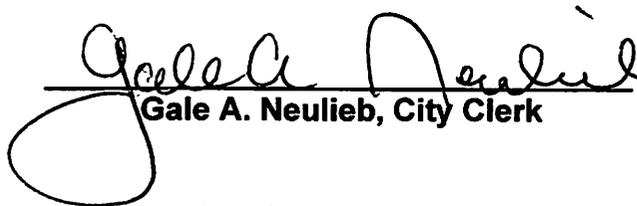
Note: On July 21, 2020 there was a Regular "ZOOM" Council meeting; not having a Regular Council meeting on August 4, 2020, this will be brought to the Council for nominations this evening

**COMMENTS FROM THE MAYOR**

**COMMENTS FROM THE PUBLIC**

**COMMENTS FROM THE COUNCIL**

**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

AUG 27 2020

GALE A. NEULIEB  
CITY CLERK  
CITY OF MICHIGAN CITY

## How to connect to the Zoom Webinar

PLEASE USE THE LINK BELOW TO JOIN THE WEBINAR TO ACCESS THE MEETING

**CLICK ON THE URL:**

<https://us02web.zoom.us/j/83166936251?pwd=b1JEZXJpOVRTN3Y1K3phNUZFT1MxUT09>

**WEBINAR ID:** 831-6693-6251

**PASSCODE:** 035286

PHONE NUMBER TO CONNECT TO THE MEETING

US: +1-312-626-6799

**MICHIGAN CITY COMMON COUNCIL**

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE COMMON COUNCIL OF MICHIGAN CITY, INDIANA,  
COMMEMORATING THE CENTENNIAL OF THE RATIFICATION OF THE  
NINETEENTH AMENDMENT AND HONORING WOMEN'S EQUALITY DAY**

**WHEREAS**, the women of the United States have historically been treated as second-class citizens and have often been denied the full rights and privileges, public or private, legal or institutional, which are available to male citizens of the United States: and

**WHEREAS**, for 72 years, hundreds of thousands of women in the United States supported, and many dedicated their very lives, to the crusade for the right to vote; and

**WHEREAS**, in the State of Indiana, thousands of women fought for the franchise, but their accomplishments and stories remain to be discovered and told; and

**WHEREAS**, two LaPorte County Suffragist have recently been rediscovered, namely Naomi Bowman Talbert Anderson and Zeola Hershey Misener, and

**WHEREAS**, the Nineteenth Amendment to the Constitution was ratified on August 18<sup>th</sup>, 1920 and was certified as part of the United States Constitution on August 26<sup>th</sup>, 1920, thereby giving women their political freedom; and

**WHEREAS**, in the months following the Ratification of the Nineteenth Amendment, millions of women registered to vote, thereby assuming the responsibilities of citizenship, and exercised their right to vote by voting in the presidential election in November of 1920; and

**WHEREAS**, for the past 100 years, women have made significant contributions to government and real-life issues affected by government and are to be commended and supported in their organization and activities, and

**WHEREAS**, on August 26, 2020 the Women of the United States are celebrating Women's Equality Day and are commemorating the Centennial of the Ratification of the Nineteenth Amendment.

**NOW, THEREFORE, BE IT RESOLVED** that the Common Council of Michigan City, Indiana Commemorates the centennial of the Ratification of the Nineteenth Amendment and Honors Women's Equality Day

This Resolution to be effective upon passage by the Council, approval by the Mayor.

**INTRODUCED BY** \_\_\_\_\_  
Dalia Zygus, member

**CO-SPONSOR:** \_\_\_\_\_  
Angie Nelson Deutch, member

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

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Sean Fitzpatrick, President  
Michigan City Common Council

Approved by me, this \_\_\_\_\_ day of \_\_\_\_\_, 2020

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Duane Parry, Mayor  
City of Michigan City

ATTESTED:

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Gale A. Neulieb  
City Clerk of Michigan City

MICHIGAN CITY COMMON COUNCIL

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

**CREATING SECTION 82-68 IN ARTICLE III (PARK RULES) IN CHAPTER 82 (PARKS AND RECREATION) OF THE MICHIGAN CITY MUNICIPAL CODE TO PROVIDE A MECHANISM FOR ENFORCEMENT FOR ALL PARK RULES**

**WHEREAS**, Sec. 82-62 through Sec. 82-66 of the Michigan City Municipal Code prescribe various rules pertaining to property under the control and jurisdiction of the Michigan City Park Board; and

**WHEREAS**, over the years, the Park Board has adopted additional rules pertaining to property under their jurisdiction, which include but are not limited to the following: no pets outside of vehicles because no dogs allowed in City parks, no littering, no ground fires, grills permitted in designated areas only, hunting prohibited on all park property, no motorized vehicles except in designated parking areas, no metal detectors on grass, no grilling on beach; and

**WHEREAS**, the Common Council desires to formally recognize any and all rules adopted by the Park Board, now or in the future, and declare that a violation of a Park Board Rule is an ordinance violation subjecting the violator to the general penalty provisions set forth in Sec. 1-7 of the Michigan City Municipal Code.

**NOW, THEREFORE, BE IT ORDAINED**, by the Michigan City Common Council that Section 82-86 shall be created in Article III (Park Rules) in Chapter 82 (Parks and Recreation) of the Michigan City Municipal Code and shall read as follows:

**Section 82-86. Violation of Rules Adopted by Michigan City Park Board.**

- (a) Any and all rules formally adopted by the Michigan City Park Board, not otherwise specified in Sec. 82-62 through Sec. 82-66, shall be treated as if they are fully set forth in this Section and it shall be unlawful for a person to violate the same.
- (b) Any violation of a rule formally adopted by the Michigan City Park Board shall be considered a Code violation and may subject the violator to the issuance of a citation and/or the removal of such person in violation from Michigan City Park Board property. Violations under this Section are subject to the general penalty provisions set forth in Sec. 1-7 of this Code.
- (c) The Michigan City Park Board shall post all park rules in a conspicuous manner on all park property and shall also post all park rules on their respective City website.

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:** \_\_\_\_\_

Paul Przybylinski, Member  
Michigan City Common Council

Passed by the Common Council of the City of Michigan City, Indiana this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Sean Fitzpatrick, President  
Michigan City Common Council

Approved by me, this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Duane Parry, Mayor  
Michigan City, Indiana

ATTEST:

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

*Prepared by Corporation Council Upon Request*

MICHIGAN CITY COMMON COUNCIL

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

APPROVING ADDITIONAL APPROPRIATION IN THE BUDGET OF THE BARKER CIVIC CENTER FUND FOR THE PURCHASE OF SUPPLIES TO RESTOCK THE GIFT SHOP FOR THE BARKER CIVIC CENTER

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 2020 Annual Budget to provide funding for the purchase of supplies to restock the gift shop for the Barker Civic Center; and

WHEREAS, the City Controller has determined that sufficient unappropriated funds are available in the Barker Civic Center Fund #2070 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 Barker Civic Center Fund # 2070 Unappropriated balance	\$1,200.00	
INCREASE ACCOUNT# 2070.000.429.001 Other Supplies		\$1,200.00
<b>TOTAL FOR FUND</b>	<b>\$1,200.00</b>	

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

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

Prepared by Corporation Counsel Upon Request

MICHIGAN CITY COMMON COUNCIL

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

CREATING SECTION 2-410.2 IN CHAPTER 2 OF THE MICHIGAN CITY MUNICIPAL CODE TO CREATE AN AIRPORT DONATION FUND

WHEREAS, the need exists to create an Airport Donation Fund to receipt money contributed to the Michigan City Municipal Airport from contributions and donations from persons, businesses, and organizations, fundraisers, and other possible sources and outline what expenditures may be made from said Fund; and

WHEREAS, in addition, the need exists to create Sec. 2-410.2 in Chapter 2 of the Michigan City Municipal Code for purposes of establishing said Fund.

NOW, THEREFORE, BE IT ORDAINED, by the Michigan City Common Council that Section 2-410.2 in Chapter 2 of the Michigan City Municipal Code shall be created to read as follows:

Section 2-410.2. Airport Donation Fund Established.

There is hereby established an Airport Donation Fund. This Fund shall be a restricted, non-reverting fund. The purpose of this Fund shall be for the receipt of money from contributions from persons, businesses, and organizations, fundraisers, and other possible sources and said monies shall be used by the Board of Aviation Commissioners. Expenditures from this Fund shall be used for the following purposes:

- (1) Materials and supplies for use in the operation of the Commission;
(2) Education of the public, including promotional, educational, and training supplies, and for community events;
(3) Training and advocacy for Commission members, including transportation and lodging;
(4) Educational scholarships; and
(5) Grants to entities, organizations, or activities identified under Indiana Code as being able to receive aid from a unit, which include the following:
a. Parks, playgrounds and recreational facilities and programs (IC 36-10-2-2);
b. Museums, cultural, historical, and scientific facilities and programs, and community restitution or service facilities and programs (IC 36-10-2-4);
c. Neighborhood centers, community centers, civic centers, convention centers as defined by IC 36-10-1-5, auditoriums, arenas, and stadiums (IC 36-10-2-5);
d. Transportation systems (IC 36-9-2-2);
e. Hospitals (IC 36-8-2-5); and
f. Airports, bus terminals, rail terminals, and transportation facilities (IC 9-2-3).

The Commission shall not use the funds in its Donation Fund for any other purposes than those stated herein.

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: \_\_\_\_\_

Gene Simmons, Member
Michigan City Common Council

Passed by the Common Council of the City of Michigan City, Indiana this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

Sean Fitzpatrick, President
Michigan City Common Council

Approved by me, this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

Duane Parry, Mayor
Michigan City, Indiana

ATTEST:

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

Prepared by Corporation Council Upon Request

**MICHIGAN CITY COMMON COUNCIL**

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

**ESTABLISHING RULES FOR ATTENDANCE AT AND THE USE OF WASHINGTON PARK AND PENALTIES FOR VIOLATING SAME AND FOR VIOLATING PARK DEPARTMENT RULES CONCERNING THE USE OF WASHINGTON PARK AND THE ZOO**

WHEREAS, the Council finds that the COVID-19 pandemic shows no signs of abating in the near future; and

WHEREAS, the U.S. Centers for Disease Control and Prevention (CDC) and the Indiana State Department of Health and infectious disease experts have recommended implementation of mitigation strategies to help contain the spread of the virus, including, but not limited to, wearing masks, physical distancing of at least six (6') feet, and avoiding gatherings of over 10 people; and

WHEREAS, Governor Holcomb has ordered that masks are to be worn out doors when the recommended physical distancing cannot be or is not maintained; and

WHEREAS, despite the continuing increase in COVID-19 cases in our City, County, State, and throughout the country, Michigan City's Washington Park has experienced extremely high attendance levels which, among other problems, prevent the implementation of physical distancing and avoiding gatherings of more than 10 people; and

WHEREAS, Chicago's Mayor has closed all Chicago beaches and the Mayor of Whiting has closed Whiting's beach due to public safety concerns arising from the prevalence of the COVID-19 virus and inability to implement appropriate mitigation measures on crowded beaches, all of which has contributed to the extremely high attendance levels in Washington Park and its beach by non-residents; and

WHEREAS, it is anticipated that Michigan City will continue to experience average or above average summer temperatures throughout the summer season; and

WHEREAS, the Council finds that people are not likely to wear masks when swimming, engaging in physical activity, or sunbathing and will not maintain physical distancing and small groups when attending a very crowded park and beach; and

WHEREAS, in the interest of protecting the health and safety of residents of Michigan City and its visitors, the Council finds that it is necessary for it to adopt rules concerning limiting attendance at and use of Washington Park and its beach and to establish financial penalties for violation of those rules.

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Michigan City that:

1. Each weekend, only persons who document that they are Michigan City residents shall be allowed to enter Washington Park, including its beach, Washington Park from 4:00 pm Friday until dusk on Sunday.
2. At no time shall groups of more than ten (10) people gather in the Park, including on its beach.
3. At all times, physical distancing of at least six (6) feet shall be maintained by everyone in the Park, including on its beach.
4. At all times, everyone in the Park, including on its beach, shall wear a mask at all times except when swimming.
5. The Park Department shall limit parking in the Park to not more than fifty percent (50%) of the authorized parking spaces in the Park at any one time.
6. If their assistance is requested, the Michigan City Police Department shall assist the Park Department personnel in enforcing the rules.
7. The Board of Directors of the Park Department may adopt additional rules and regulations concerning attendance in and use of Washington Park, including its beach, and any other facility over which it has jurisdiction.
8. A violation of the rules for attendance in and use of Washington Park, including its beach, established by this Ordinance and of Rules of the Park Department set forth in Chapter 82, Article 3 of the Michigan City Municipal Code shall be subject to a financial penalty as a violation of the Code pursuant to Chapter 1, Section 1-7 of the Code.
9. The Park Department and Police Department, in consultation with the attorney for the Park Department, are authorized to enforce the rules established by the Ordinance and the Park Department, including the issuance of appropriate citations, and the attorney for the Park Department shall be responsible for prosecuting anyone to whom such a citation is issued.
10. Any civil penalties collected as a result of the issuance of a citation as provided for herein shall be credited to the Park Department's Operating Fund.

This Ordinance to be effective upon passage by the Common Council, approval of the Mayor, and any necessary publication.

**INTRODUCED BY:** \_\_\_\_\_  
Paul Przybylinski, Member

**CO-SPONSOR:** \_\_\_\_\_  
Sean Fitzpatrick, President

**CO-SPONSOR:** \_\_\_\_\_  
Donald Przybylinski, Member

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

\_\_\_\_\_  
Sean Fitzpatrick, President

Approved by me this \_\_\_\_ day of \_\_\_\_\_, 2020

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Duane Parry, Mayor  
City of Michigan City, Indiana

ATTEST:

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Gale Neulieb, Clerk  
City of Michigan City, Indiana

*Prepared by Council's Counsel Upon Request*