

FILED

MAY 29 2020

GALE A. NEULIEB  
CITY CLERK  
CITY OF MICHIGAN CITY



**AGENDA**  
**COMMON COUNCIL - REGULAR MEETING**

**Wednesday, June 3, 2020**

Meeting to be held at **5:30 p.m.**, local time,  
Hosted by "Zoom" and Streaming Live on  
"My Michigan City" Facebook Page

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**CALL TO ORDER BY COUNCIL PRESIDENT**

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

**ROLL CALL**

**APPROVAL OF MINUTES**

(Zoom) Regular Meeting April 7, 2020  
(Zoom) Special Meeting April 13, 2020  
(Zoom) Special Meeting May 12, 2020

**REPORTS OF STANDING COMMITTEES**

**FINANCE COMMITTEE REPORT**



**ORDINANCE**

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

**CREATING SECTION 94-79 IN DIVISION 3 OF CHAPTER 94 OF THE MICHIGAN CITY MUNICIPAL CODE ADDING PROVISIONS REGARDING TRAFFIC WARNING SIGNS FOR CHILDREN WITH HEARING OR VISION IMPAIRMENT OR A DISABILITY**

**Introduced by:** Tracie Tillman  
**Co-Sponsor:** Gene Simmons  
Paul. A. Przybylinski

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

**AMENDING SECTION 38-33 AND SECTION 38-34 OF THE MUNICIPAL CODE TO PROVIDE FOR EMERGENCY RELIEF FUNDS TO CITY BUSINESSES**

**Introduced by:** Angie Nelson Deutch  
**Co-Sponsor:** Sean Fitzpatrick

**(NOTE: This was TABLED at the Special Meeting held on April 12, 2020)**

**UNFINISHED BUSINESS**

**NEW BUSINESS**

**FYI: The Council has one (1) appointment to the Michigan City Revolving Loan Committee due Ms. Karri Krumnow resigning from her position. (term begins immediately and expires 10/18/20)**

**COMMENTS FROM THE COUNCIL**

**ADJOURNMENT**

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**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.**

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**Agenda June 3, 2020  
Posted May 29, 2020**

**MICHIGAN CITY COMMON COUNCIL**

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

**MAKING RECOMMENDATIONS AND REQUESTS REGARDING NIPSCO'S REMOVAL OF COAL ASH FROM ITS MICHIGAN CITY FACILITY TO MAXIMIZE PUBLIC SAFETY AND THE ABILITY TO MONITOR THE IMPLEMENTATION OF THE PROJECT, EXPRESS CONCERNS, AND PROVIDE INPUT TO ADDRESS THEM**

WHEREAS, under its proposed plan provided to the Indiana Department of Environmental Management (IDEM), the Northern Indiana Public Service Company (NIPSCO) is planning to dig up to *170,600 tons of coal ash* from basins at its Michigan City (City) facility and transport it to a landfill at their Schafer plant in Jasper County (Project); and

WHEREAS, coal ash contains many possible toxins including arsenic, radium, mercury and lead which can cause serious health problems from cancers to blood, heart, lung, neurological and skin diseases to chronic breathing sicknesses; and

WHEREAS, particulate matter is a dangerous air pollutant linked to adverse respiratory and cardiovascular health effects and to a higher risk of mortality from COVID-19; and

WHEREAS, NIPSCO's Project may put Michigan City, Jasper County, and the communities along the transportation route at a health risk due to the air-borne particulate matter generated during the implementation of the Project and Northwest Indiana (NWI), a region adversely impacted by a legacy of environmental pollution, should not have to endure any additional exposure to air-borne pollutants; and

WHEREAS, although NIPSCO has advised that it intends to implement the Project so as to maximize the safety and protection of the public, including by minimizing the creation of any air-borne particulate matter and preventing any public exposure to it, the Common Council believes that it is necessary for the City to monitor, express concerns, and provide input on the implementation of the Project so as to be able to protect the health, safety, and welfare of its citizens and visitors.

NOW, THEREFORE, THE MICHIGAN CITY COMMON COUNCIL, as a means to protect the health, safety, and welfare of Michigan City citizens and visitors, resolves as follows:

1. Once the closure of the Michigan City coal ash ponds begins, we request that:
  - a. NIPSCO work with an independent Community Review Committee to assess the cleanup and closure process, provide the Committee regular updates, and fund a technical expert who can monitor the Project and provide instruction, information, and advice to the Committee.

- b. IDEM publish an online web-page so public comments/concerns can be readily collected during the Project.
  - c. IDEM establish and enforce procedures that ensure the safe excavation, loading, transportation, and disposal of the coal ash with substantial penalties for non-compliance, to ensure that coal ash dust does not endanger clean-up workers or the public.
  - d. Hire an experienced, neutral third-party to be paid for by NIPSCO to monitor the air for particulate matter near the Michigan City plant and Schafer landfill sites during excavation, transportation, and disposal of the coal ash and make real-time data from the monitoring available to the public to protect the health and safety of the workers and the public.
  - e. IDEM inspect both sites regularly during the Project, monitoring for and minimizing airborne dust.
  - f. NIPSCO transport the coal ash in “sift proof” vehicles and encapsulated to prevent ash from escaping during transportation.
  - g. NIPSCO permanently and properly secure and contain the coal ash and its residue at its Michigan City facility to prevent the possibility of future spills into Lake Michigan and Trail Creek and submit to IDEM a supplemental closure plan that includes addressing and providing alternatives for replacing the deteriorating sheet pile walls.
  - h. IDEM immediately test fish, aquatic life, and sediments in Trail Creek and Lake Michigan for arsenic and other toxic and bio-accumulative coal ash contaminants with testing data made readily available to the public. If the tests reveal that fish consumption is found threatening to public health due to hazardous pollutants, IDEM should take necessary measures to alert the community.
  - i. NIPSCO extend water quality monitoring to encompass off-site migration into Trail Creek and Lake Michigan.
  - j. NIPSCO establish appropriate background wells that aren’t affected by coal ash to compare to the groundwater monitoring wells to indicate accurate pollution in the groundwater.
2. In addition to the third party monitor referenced in d above, that the Mayor create a group of City representatives, including at least two (2) Council members and employees and residents of the City who have knowledge of and expertise in the design and implementation of projects similar to the Project to maximize public safety and eliminate the risk of pollutants becoming air-borne and a risk to the health of the workers implementing the Project and the public. This group to review and comment on NIPSCO’s proposed plan for implementing the Project, to monitor NIPSCO’s implementation of the Project, to comment to NIPSCO, IDEM, and the public about, and provide input on, any concerns it has about the implementation of the Project.

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

SPONSORED BY: \_\_\_\_\_  
Dalia Zygas, Member

CO-SPONSOR: \_\_\_\_\_  
Michael Mack, Member

CO-SPONSOR: \_\_\_\_\_  
Don Przybylinski, Member

Passed and adopted this \_\_\_\_\_ day of June, 2020 by a vote of \_\_\_\_ to \_\_\_\_.

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

Approved by me on the \_\_\_\_\_ day of June, 2020.

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

Attest: \_\_\_\_\_  
Gale Neulieb, Clerk  
City of Michigan City

MICHIGAN CITY COMMON COUNCIL

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

**CREATING SECTION 94-79 IN DIVISION 3 OF CHAPTER 94 OF THE MICHIGAN CITY MUNICIPAL CODE ADDING PROVISIONS REGARDING TRAFFIC WARNING SIGNS FOR CHILDREN WITH HEARING OR VISION IMPAIRMENT OR A DISABILITY**

**WHEREAS**, the Common Council has determined that, in the interest in increasing the safety of the children of Michigan City with vision or hearing impairment or diagnosed with a disability, the need exists for traffic control signs to be installed warning of the presence of such children; and

**WHEREAS**, the Common Council finds that the Michigan City Board of Public Works and Safety should determine where such children safety signs should be installed in the City upon appropriate written requests of parents or caretakers of such children.

**NOW, THEREFORE, BE IT ORDAINED**, by the Michigan City Common Council that Section 94-79 be added to Division 3 of Chapter 94 of the Michigan City Municipal Code to read as follows:

**Sec. 94-79. Warning Signs For Impaired Children.**

The Board of Public Works and Safety is authorized to have traffic control signs warning of the presence of children with vision or hearing impairments or children diagnosed with a disability. Such signs may be installed where, in the Board's opinion, there is a particular danger to such children if a written application to the Board for such a sign at the location meets the following criteria:

- 1.) The sign and the usage of the sign complies with the Manual on Uniform Traffic Control Devices (MUCTD).
- 2.) A child at that location is impaired to the extent that they are unable to hear or see oncoming traffic or unable to move quickly enough to avoid same due to a physical disability.
- 3.) A fully and properly completed application to the Board that includes a certification signed by a qualified licensed medical professional certifying the child is vision or hearing impaired or is physically disabled.
- 4.) The child is between the age of two (2) and fifteen (15) years of age at the time of the request.
- 5.) The child resides within the corporate limits of Michigan City and lives on a residential street with a post speed limit of at least 25 mph.
- 6.) Applicant provides proof of residency (copy of driver's license, property tax notice, utility billing or other documentation).
- 7.) Applicant agrees to provide proof of residency prior to January 1<sup>st</sup> of each subsequent year of the application, and if such proof is not provided, the sign will be removed.
- 8.) Applicant agrees that sign will be removed upon the child's fifteenth (15<sup>th</sup>) birthday or when the child no longer lives at the subject address, whichever is earlier.

The Board of Public Works and Safety may adopt any additional rules and regulations to effectuate this Section.

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

INTRODUCED BY: \_\_\_\_\_  
Tracie Tillman, Member  
Michigan City Common Council

CO-SPONSOR:

\_\_\_\_\_  
Gene Simmons, Member  
Michigan City Common Council

\_\_\_\_\_  
Paul A. Przybylinski, Member  
Michigan City Common Council

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

MICHIGAN CITY COMMON COUNCIL

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

**AMENDING SECTION 38-33 AND SECTION 38-34 OF THE MUNICIPAL CODE TO PROVIDE FOR EMERGENCY RELIEF FUNDS TO CITY BUSINESSES**

**WHEREAS**, the Common Council has determined that some of Michigan City’s small businesses are in dire financial straits and unable to pay wages and other operating expenses due to the loss of revenue as a result of the COVID-19 pandemic shutdown; and

**WHEREAS**, the Common Council believes it is the responsibility of the City to provide assistance to those businesses, to the extent it can, to help them make the payments necessary to be able to pay their employees and remain in business.

**NOW, THEREFORE, BE IT ORDAINED**, by the Michigan City Common Council that Section 38-33 and Section 38-34 in Chapter 38, Article III of the Michigan City Municipal Code be amended as follows:

1. Section 3 8(4)-*Eligible Uses* is amended to now read as follows:

(4) Eligible uses.

(a) New investments in capital assets and operating capital:

- (1.) Purchase of machinery and equipment.
- (2.) Purchase of buildings and land for business operations.
- (3.) Construction, repair, and renovation of buildings.
- (4.) Operating capital including inventory and work in progress.
- (5.) Quantifiable employee training when state and federal grants have been investigated and exhausted.

Priority is given to fixed asset financing (land, building, or equipment).

(b) Fund may be used for payment of legal expenses incurred by City directly related to loan transaction involving the Fund.

(c) Emergency forgivable loan up to \$5000 to small businesses in Michigan City found by the Loan Committee upon review of the businesses Fighting Chance Fund Application, a copy of which is attached hereto as Exhibit A, to be facing serious financial problems because of a substantial loss of revenue due to the COVID-19 emergency shutdown and which failed to receive any PPP or EIDL government funding. This fund will be established with \$200,000 in funds. Those businesses shall include:

1. Independently owned restaurants, but not national or regional chains.
2. Bars & Taverns.
3. Retail stores, not national or regional chains.
4. Personal Services, not national or regional chains, including:
  - a. Hair, beauty, and other personal services, such as salons, barbers, massage parlors, tattoo parlors, spas, etc.
  - b. Personal care services, such as child, elderly, and disabled care; funeral homes; etc.
  - c. Laundry and clothing repair services, such as dry cleaners, laundromats, garment repairs and alterations, etc.

- d. Residential cleaning services.
- e. Pet care services.
- f. Personal and household goods repairs and maintenance.
- g. Fitness centers and gyms.
- h. Event and banquet spaces & services.

2. Subsection 3 8(5)(f)-*Terms* is amended to read as follows:

f. Minimum loan is \$25,000.00; except for loans described in subsection 4(c) for which the minimum loan shall be \$1,000 and the maximum \$5,000.

3. Section 38-34 is amended to add the following wording to the end of the section:

Donations and contributions may be solicited and accepted for the purpose of helping to fund this program.

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

**INTRODUCED BY:** \_\_\_\_\_

Angie Nelson Deutch, Member  
Michigan City Common Council

**CO-SPONSOR:** \_\_\_\_\_

Sean Fitzpatrick, 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