



**A G E N D A**  
**COMMON COUNCIL - REGULAR MEETING**  
**Tuesday, July 7, 2020**  
Meeting to be held at **6:30 p.m.**, local time,  
at **Krueger Memorial Park, 801 Liberty Trail**  
Michigan City, Indiana

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CALL TO ORDER BY COUNCIL PRESIDENT

PLEDGE OF ALLEGIANCE TO THE FLAG and PRAYER

ROLL CALL

APPROVAL OF MINUTES

Approval of minutes during Covid – 19

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

APPROVAL OF MINUTES

(Zoom) Regular Meeting June 3, 2020

**REPORTS of STANDING COMMITTEES**

**FINANCE COMMITTEE REPORT**

**CLAIMS DOCKET**

**APPROVAL OF CLAIMS DURING COVID-19**

**March 17, 2020 Riverboat/Boyd Claim Docket**  
Fund #2042 – Riverboat – Claims- \$ 2,266.05  
EFT \$ 507,842.70  
Fund #2031 – Boyd – Claims- \$ 4,634.68

**April 7, 2020 Riverboat/Boyd Claim Docket**  
Fund #2042 – Riverboat – Claims- \$ 31,053.68  
EFT \$186,379.69  
Fund #2031 – Boyd – Claims- \$ 00.00  
ESG \$ 210,678.60

**April 21, 2020 Riverboat/Boyd Claim Docket**  
Fund #2042 – Riverboat – Claims- \$ 28,511.36  
EFT \$ 168,459.47  
Fund #2031 – Boyd – Claims- \$ 20,000.00

**May 6, 2020 Riverboat/Boyd Claim Docket**  
Fund #2042 – Riverboat – Claims- \$ 4,107.79  
EFT \$ 129.69  
Fund #2031 – Boyd – Claims- \$ .00

**May 19, 2020 Riverboat/Boyd Claim Docket**  
Fund #2042 – Riverboat – Claims- \$ 7,942.77  
EFT \$3,891,975.00  
Fund #2031 – Boyd – Claims- 382.50

June 3, 2020 Riverboat/Boyd Claim Docket  
Fund #2042 – Riverboat – Claims- \$ 1,312.34  
EFT \$ 209.55  
Fund #2031 – Boyd – Claims \$ .00

June 16, 2020 Riverboat/Boyd Claim Docket  
Fund #2042 – Riverboat – Claims \$ 7,734.60  
EFT \$ 5,091.92  
Fund #2031 – Boyd – Claims \$ 273.98

**RIVERBOAT/BOYD DEVELOPMENT “PURCHASE ORDERS” PETITION**

Approval of Purchase Order during Covid-19

June 2, 2020  
Riverboat Total \$63,237.00  
Michigan City Police Department  
Boyd Development none

**CLAIMS DOCKET**

July 7, 2020 Riverboat/Boyd Claim Docket  
Fund #2042 – Riverboat – Claims \$ 4,665.85  
EFT \$ 129.69  
Fund #2031 – Boyd – Claims \$ 4,254.30

**REPORTS of SPECIAL or SELECT COMMITTEES**

## REPORTS of OTHER CITY OFFICERS and DEPARTMENTS

Michigan City Police Chief Dion Campbell – Vision of the MCPD

## COMMUNICATIONS

Correspondence received in the Clerk's Office on June 15, 2020 from Mr. Rodney McCormick regarding the Michigan City Housing Authority (Mr. McCormick asked that this be read for the record)

Correspondence was received in the Clerk's Office on June 17, 2020 from Mayor Parry regarding "Protocol for Obtaining Information from City Departments" by the City Council members

Correspondence received in the Clerk's Office on June 11, 2020 from Braxton Hervey regarding the Michigan City Scholarship

## RESOLUTION

### APPROVAL OF RESOLUTIONS DURING COVID-19

**RESOLUTION NO. 4777 REQUESTING THE GOVERNOR OF INDIANA TO PROVIDE IMMEDIATE FINANCIAL RELIEF TO LOCAL GOVERNMENTS TO ENABLE THEM TO BEST SERVE THEIR CONSTITUENTS DURING THE COVID-19 EMERGENCY**

**Introduced by:** Don Przybylinski  
**Co-Sponsored:** Paul A. Przybylinski  
Angie Nelson-Deutch  
Bryant Dabney  
Gene Simmons  
Sean Fitzpatrick  
Tracie Tillman  
Michael Mack  
Dalia Zygas

April 7, 2020 Approved/Adopted **Vote: AYES 9, NAYS None**

**Resolution No. 4778 WAIVING CERTAIN PROCEDURES AND FORMALITIES DURING DISASTER EMERGENCY PURSUANT TO I.C. 10-14-3-17**

**Introduced by:** Sean Fitzpatrick

April 7, 2020 Approved/Adopted Vote: **AYES: 9, NAYS: None**

**Resolution No. 4779 APPROVING THE EXTENSION OF THE MAYOR'S EXECUTIVE ORDER 04-2020 DECLARING A PUBLIC HEALTH EMERGENCY DUE TO THE COVID-19 VIRUS**

**Introduced by:** Sean Fitzpatrick  
**Co-Sponsored by:** Don Przybylinski  
Bryant Dabney  
Angie Nelson Deutch  
Dalia Zygas  
Tracie Tillman  
Michael Mack  
Paul A. Przybylinski  
Gene Simmons

April 13, 2020, Approved/Adopted **VOTE: AYES: 9, NAYS: None**

**Resolution No. 4780 APPROVING THE EXTENSION OF THE MAYOR'S EXECUTIVE ORDER 05-2020 EXTENDING THE DECLARATION OF A PUBLIC HEALTH EMERGENCY DUE TO THE COVID-19 VIRUS**

**Introduced by:** Sean Fitzpatrick  
**Co-Sponsored by:** Don Przybylinski  
Bryant Dabney (NAY)  
Angie Nelson Deutch  
Dalia Zygas  
Tracie Tillman  
Michael Mack  
Paul A. Przybylinski  
Gene Simmons

May 12, 2020, Approved/Adopted **Vote AYES: 8, NAYS: 1**

**Resolution No. 4781 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**

**Introduced by:** Dalia Zygas  
**Co-Sponsor:** Michael Mack  
Don Przybylinski

June 3, 2020 Approved/Adopted **Vote: AYES: 8 NAYS: 1**

## **RESOLUTION**

**REQUESTING THE MICHIGAN CITY PLAN COMMISSION REVIEW AND CONSIDER REPEALING SECTION 17.02 IN THE MICHIGAN CITY ZONING CODE ENTITLED "LANDSCAPING REQUIREMENTS"**

**Introduced by:** Paul Przybylinski

**NOTE:** The proposed resolution was read by title only on February 4<sup>th</sup> with Councilman P. Przybylinski asking to TABLE it until the March 17<sup>th</sup> Council Meeting due to the Covid-19 pandemic

## **ORDINANCE**

### **APPROVAL OF ORDINANCE DURING COVID-19**

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

May 13, 2020 the proposed ordinance was read on 1<sup>st</sup> reading and was TABLED until a joint workshop was scheduled by the following **Vote: AYES 9, NAYS: None**

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

**AMENDING SECTION 38-40 OF THE MUNICIPAL CODE TO PROVIDE  
FOR EMERGENCY RELIEF FUNDS TO CITY RESIDENTS**

**Introduced by:** Angie Nelson Deutch

May 13, 2020 the proposed ordinance was read on 1<sup>st</sup> reading and was TABLED until a joint workshop was scheduled by the following **Vote: AYES 9, NAYS: None**

**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

May 12, 2020 the proposed ordinances was read on first reading by title only, discussion ensued Authors amendment by substitution was proposed and approved 9 – 0; with the proposed ordinance moving to second reading at the next council meeting

**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)

June 3, 2020 the proposed ordinance was discussed with it being TABLED indefinitely by the following vote: **AYES: 9 NAYS: None**

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

April 7, 2020 Proposed Ordinance was read on second reading by title only and moved to 3<sup>rd</sup> Reading at the April 13<sup>th</sup> Council meeting

**ORDINANCE**  
3<sup>RD</sup> Reading

**ORDINANCE No 4542 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

April 13, 2020 Council meeting Approved/Adopted vote AYES: 9 NAYS: 0

**ORDINANCE**

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

**NOTE: This Ordinance was read on 1<sup>st</sup> Reading by title only at the March 3, 2020 Council meeting. The formal public hearing**

**was advertised on February 25, 2020 in The News Dispatch and will be re-advertised in the News Dispatch on July 8<sup>th</sup> to reschedule the formal public hearing on second reading at the July 21<sup>st</sup> Council meeting due to the Covid-19 pandemic.**

**ORDINANCE  
1<sup>st</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: The proposed ordinance was to be read on 1<sup>st</sup> reading at the March 17, 2020 Regular Council meeting. Due to Covid -19 the meeting was canceled**

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

**ADOPTING POLICY TO ALLOW 5% OF RIVERBOAT FUNDS  
TO BE USED TO FUND THE CITY'S OPERATING  
EXPENDITURES FROM THE GENERAL FUND  
and  
DEDICATING 50% OF RIVERBOAT REVENUES TO INCREASE  
THE RAINY DAY FUND BALANCE UP TO A MINIMUM OF 6  
MILLION DOLLARS**

**Introduced by: Sean Fitzpatrick**

**ORDINANCE**  
**2<sup>nd</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  
Gene Simmons  
Paul A. Przybylinski  
Bryant Dabney  
Angie Nelson  
Don Przybylinski

**NOTE: This Ordinance was read on 1<sup>st</sup> Reading by title only at  
the June 3, 2020 Council meeting due to the Covid-19  
pandemic; the proposed ordinance will be read this evening  
on 2<sup>nd</sup> reading**

**UNFINISHED BUSINESS**

**APPROVAL OF FINAL ACCEPTANCE CERTIFICATES  
DURING COVID-19**

**Final Acceptance Certificate – DLZ (Guaranteed Energy  
Savings Performance Contract, dated as of November  
20, 2018 (the “Agreement”) between Energy Systems  
Group LLC (the “contractor”) and the City of Michigan  
City (the “Owner”).**

- The Senior Center Solar work (as defined in the agreement) have been delivered, installed, and accepted as of the 28<sup>th</sup> of October 2019 (the “Final Acceptance Date”)
- The Police Headquarters Solar work (as defined in the Agreement) have been delivered, installed, and accepted as of the 17<sup>th</sup> of January 2020 (the “Final Acceptance Date”)

**April 7, 2020 approved by the Council 9 – 0.**

**UNFINISHED BUSINESS**

**FYI: The Council has to vote one (1) member of the  
Common Council to serve on the Michigan City Tree Board for  
a one- year term**

**NEW BUSINESS**

June 3, 2020 the Council made motion to appoint Ms. Pia Parrott, Centier Bank to the Michigan City Revolving Loan Committee with a vote of 9 – 0.

**NEW BUSINESS**

**FYI:** The Council has one (1) appointment to the Michigan City Police Commission due to the resignation of Mr. Mike Buda expiring 09/07/2020.

**FYI:** The Council has one (1) appointment to the Commission on Sustainability board; term expired on 05/01/2020. Incumbent: Nancy Moldenhauer

**FYI:** The Council has one (1) appointment to the Youth Leadership Commission; term expired 06/01/2020. Incumbent Nathan Patrick

**FYI:** The Council has one (1) appointment to the Michigan City Tree Board (representing a City Neighborhood Association) term beginning immediately and will serve for one (1) year.

**COMMENTS FROM THE MAYOR**

**COMMENTS FROM THE PUBLIC**

**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 July 7, 2020  
Posted July 2, 2020**

**MICHIGAN CITY COMMON COUNCIL**

**RESOLUTION NO. 4777**

**REQUESTING THE GOVERNOR OF INDIANA TO PROVIDE IMMEDIATE FINANCIAL RELIEF TO LOCAL GOVERNMENTS TO ENABLE THEM TO BEST SERVE THEIR CONSTITUENTS DURING THE COVID-19 EMERGENCY**

**WHEREAS**, on March 6, 2020 Indiana's Governor declared a public health emergency for the Coronavirus Disease Outbreak (Covid-19) pursuant to IC 10-14-3-12; and

**WHEREAS**, on March 13, 2020 the President declared a national emergency for the same reason; and

**WHEREAS**, IC 10-14-3-12(d)(1) grant the Governor plenary authority to suspend or relax provisions of any regulatory statute prescribing the procedures for conducting state business, or the orders, rules, or regulations of any state agency which would otherwise prevent or unreasonably delay necessary action being taken to address the declared Covid-19 health emergency; and

**WHEREAS**, the Governor's Executive Order 20-04 issued on March 16, 2020 required the closure of bars, restaurants, other hospitality and entertainment businesses; and

**WHEREAS**, on March 23, 2020 the Governor issued Executive Order 20-08 requiring all non-essential businesses to cease operations and all Hoosiers to remain at home except to engage in essential activities; and

**WHEREAS**, as a result of the above described Governor's Executive Orders, numerous Michigan City businesses have suspended most, if not all, of their operations and there has been a resultant flood of applications by Michigan City residents for unemployment compensation which is overwhelming the current Indiana Work Force Development staff; and

**WHEREAS**, food banks, food pantries, and other social service agencies providing needed sustenance and assistance to the unemployed and needy are being overrun with demands for their services; and

**WHEREAS**, medical care facilities and professionals have begun to be inundated with Covid-19 related demands for service which demand is only likely to increase substantially in the near future; and

**WHEREAS**, although Michigan City's and other municipalities' revenues will suffer a large drop as a result of the Covid-19 virus emergency and resultant Governor's Executive Orders, that same emergency will increase the need for the City to incur costs to provide necessary City services to address the emergency and to help fund the agencies that provide necessary assistance to citizens of Michigan City who are in need of those services due to the Covid-19 virus emergency; and

**WHEREAS**, the Council is very concerned about the availability of food, medicine, and other necessities being made available to those in need thereof, especially the elderly and shut-ins, during the pendency of the Covid-19 virus emergency; and

**WHEREAS**, the State of Indiana has a surplus of funds of at least \$2 Billion dollars to be used as a rainy day fund in times of an emergency and the declared Covid-19 healthcare emergency and the Governor's stay at home and shut down of non-essential businesses clearly established that now is clearly a time when that surplus should be used to assist Michigan City and other local governments to meet all of the needs of their citizens during the Covid-19 virus emergency.

**NOW, THEREFORE, BE IT RESOLVED**, by the Michigan City Common Council that it calls on the Governor to exercise his authority granted to him under Indiana law during times of a healthcare emergency to do the following:

1. Immediately take all necessary steps, including convening a meeting of the State Budget Committee, to authorize and implement a Five Hundred Million Dollars (\$500,000,000) stimulus package be distributed to cash strapped cities, towns, and counties throughout Indiana, in proportion to their needs, to assist with meeting the increased needs of their citizens resulting from the Covid-19 virus emergency, including providing funding to local nonprofits to assist with meeting those needs providing the necessary physical and mental healthcare.
2. Immediately direct the Department of Local Government Finance (DLGF) to loosen restrictions and regulations on local governments spending public funds on emergency assistance to their citizens, including, but not limited to, spending those funds on matters other than as was identified in their 2020 Budgets as approved by the DLGF and inter and intra-fund transfers with limited administrative approvals.
3. Provide an immediate cash infusion to Indiana Work Force Development so that it can increase its staff of intake workers and their training to be able to promptly handle claims for unemployment compensation, and the increased benefits provided by the recently enacted federal CARES Act, including eliminating the ordinarily applicable waiting times for receiving benefits and assistance .

Upon the passage of this Resolution and approval by the Mayor, the City Clerk will send a certified copy to the Governor of Indiana and all State Senators and Representatives with constituents in Michigan City.

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

**INTRODUCED BY:** /s/ Donald Przybylinski, Member  
Michigan City Common Council

**CO-SPONSOR:** /s/ Paul A. Przybylinski

/s/ Angie Nelson Deutch, Member  
/s/ Bryant Dabney, Member  
/s/ Eugene Simmons, Member  
/s/ Sean Fitzpatrick, Member  
/s/ Tracie Tillman, Member  
/s/ Michael Mack, Member  
/s/ Dalia Zygas, Member

Passed by the Common Council of the City of Michigan City, Indiana, this 7<sup>th</sup> day of April, 2020.

/s/ Sean Fitzpatrick, President  
Michigan City Common Council

Approved by me, this 8<sup>th</sup> day of April, 2020.

ATTEST:

/s/ Duane Parry, Mayor  
City of Michigan City, Indiana

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

**MICHIGAN CITY COMMON COUNCIL**

**RESOLUTION NO. 4778**

**WAIVING CERTAIN PROCEDURES AND FORMALITIES  
DURING DISASTER EMERGENCY PURSUANT TO I.C. 10-14-3-17**

**WHEREAS**, on March 6, 2020 the Governor of Indiana declared a public health emergency for Coronavirus Disease 2019 Outbreak ("COVID-19") pursuant to I.C. 10-14-3-12; and

**WHEREAS**, I.C. 10-14-3-17 gives the City of Michigan City, by and through the Michigan City Common Council (Council), the authority to waive procedures and formalities otherwise required by law as a result of the disaster emergency declaration; and

**WHEREAS**, I.C. 10-14-3-17(j)(5) states, in part, a political subdivision may:

In the event of a national emergency or disaster emergency as provided in section 12 (I.C.10-14-3-12) of this chapter, waive procedures and formalities otherwise required by law pertaining to:

.....

(H) the appropriation and expenditure of public funds.

**WHEREAS**, pursuant to the Michigan City Municipal Code (City Code), the Council is required to approve claims to be paid from the Casino or Boyd Development Funds; and

**WHEREAS**, pursuant to City Code, the Council is required to consent to the Mayor's appointments to various City Commissions; and

**WHEREAS**, the Council desires to avoid the disruption to City operations and services that the COVID-19 virus emergency may create; and

**WHEREAS**, the Council recognizes concern for public health due to the COVID-19 virus emergency and related Governor's Orders may prevent the Council from meeting to conduct its business and affairs, including the approval of claims and fulfilling other duties required by City Code.

**NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MICHIGAN CITY THAT:**

1. The aforementioned "Whereas" sentences are incorporated herein as if fully set forth herein.
2. Those procedures required by Indiana law pertaining to the appropriation and expenditure of public funds and required by City Code for approvals by the Council of Mayoral appointments to City Commissions and other Council approvals shall be waived in the event the

Council President determines and declares in writing that the Council is unable to hold a timely meeting due to public health concerns arising out of the current Governor declared COVID-19 virus emergency or due to another Governor declared emergency issued pursuant to IC 10-14-3-12, at which time the Council President or, if he is unavailable, the Vice-President, shall have the authority to approve the same that would otherwise have been presented for approval by the Council at a Council meeting.

3. This Resolution does not waive the requirement for a public hearing on an appropriation to the extent a public hearing is required by Indiana law but this Resolution does allow the approval of such appropriation by the Council President or, if he is unavailable, the Vice-President, after the public hearing.

4. The waiver provided for in this Resolution shall be null and void upon the expiration of the current Governor declared COVID-19 public health emergency or of any subsequent Governor declared emergency issued pursuant to IC 10-14-3-12 which is the basis for a Council President's above described declaration allowing the implementation of the waiver of formal Council approvals provided for herein.

This Resolution will be in full force and effect from and after its passage by the Council and approval by the Mayor.

INTRODUCED BY: /s/ Sean Fitzpatrick, President  
Michigan City Common Council

Passed by the Michigan City Common Council this 7<sup>th</sup> day of April 2020.

/s/ Sean Fitzpatrick, President  
Michigan City Common Council

Approved by me this 8<sup>th</sup> day of April 2020.

/s/ Duane Parry, Mayor  
Michigan City, Indiana

ATTEST:

/s/ Gale Neulieb, City Clerk  
Michigan City, Indiana

*Prepared by the Council Attorney Upon Request*

MICHIGAN CITY COMMON COUNCIL

RESOLUTION NO. 4779

**APPROVING THE EXTENSION OF THE MAYOR'S EXECUTIVE ORDER 04-2020  
DECLARING A PUBLIC HEALTH EMERGENCY DUE TO THE COVID-19 VIRUS**

**WHEREAS**, both the President and the Governor have declared a public health emergency for the Novel Coronavirus Disease 2019 (COVID-19) pandemic outbreak; and

**WHEREAS**, on April 7, 2020, Mayor Duane Parry issued his Executive Order 04-2020, Declaring A Public Health Emergency Due To The Coronavirus Pandemic & Implementing Certain Public Health And Safety Measures (Executive Order) specifying actions to be taken to contain and control the spread of COVID-19 in Michigan City, a copy of which Executive Order is attached hereto as Exhibit A; and

**WHEREAS**, IC 10-14-3-29 requires the Council's consent for the Executive Order to remain in effect for more than seven (7) days; and

**WHEREAS**, the Council finds that the COVID-19 virus pandemic emergency will exist for an extended period of time beyond seven (7) days from the issuance of the Executive Order the precise length of which is not determinable at this time; and

**WHEREAS**, the Council supports the issuance of the Executive Order and finds that it is in the best interest of the citizens of Michigan City that the Executive Order be extended beyond seven (7) days for a total of thirty (30) days from the date of issuance of the Executive Order or until such time as the Mayor determines that the spread of COVID-19 no longer poses a threat to the citizens of Michigan City, whichever period is shorter.

**NOW, THEREFORE, BE IT RESOLVED**, by the Michigan. City Common Council that it approves Mayor Duane Parry's issuance of his Executive Order 04-2020 Declaring A Public Health Emergency Due To The Coronavirus Pandemic & Implementing Certain Public Health And Safety Measures (Executive Order) and consents to it being effective and in full force and effect for a total of thirty (30) days from the date of issuance of the Executive Order or until such time as the Mayor determines that the spread of COVID-19 no longer poses a threat to the citizens of Michigan City, whichever period is shorter.

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:** /s/ Sean Fitzpatrick, President  
**CO-SPONSOR:** /s/ Don Przybylinski, Member  
**CO-SPONSOR:** /s/ Bryant Dabney, Member  
**CO-SPONSOR:** /s/ Angie Nelson Deutch, Member  
**CO-SPONSOR:** /s/ Dalia Zygas, Member  
**CO-SPONSOR:** /s/ Tracie Tillman, Member  
**CO-SPONSOR:** /s/ Michael Mack, Member  
**CO-SPONSOR:** /s/ Gene Simmons, Member  
**CO-SPONSOR:** /s/ Paul Przybylinski, Member

Passed by the Common Council of the City of Michigan City, Indiana this 13<sup>th</sup> day of April, 2020.

/s/ Sean Fitzpatrick, President  
Michigan City Common Council

Approved by me, this 13<sup>th</sup> day of April, 2020.

ATTEST: /s/ Duane Parry, Mayor  
Michigan City, Indiana

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

**MICHIGAN CITY COMMON COUNCIL**

**RESOLUTION NO. 4780**

**APPROVING THE EXTENSION OF THE MAYOR'S EXECUTIVE ORDER 05-2020  
EXTENDING THE DECLARATION OF A PUBLIC HEALTH EMERGENCY DUE TO THE  
COVID-19 VIRUS**

**WHEREAS**, both the President and the Governor have declared a public health emergency for the Novel Coronavirus Disease 2019 (COVID-19) pandemic outbreak; and

**WHEREAS**, on May 7, 2020, Mayor Duane Parry issued his Executive Order 05-2020, Extending The Declaration Of A Public Health Emergency Due To The Coronavirus Pandemic & Implementing Certain Public Health And Safety Measures (COVID Order 2) specifying actions to be taken to contain and control the spread of COVID-19 in Michigan City, a copy of which COVID Order 2 is attached hereto as Exhibit A; and

**WHEREAS**, IC 10-14-3-29 requires the Council's consent for the COVID Order 2 to remain in effect for more than seven (7) days; and

**WHEREAS**, the Council finds that the COVID-19 virus pandemic emergency will exist for an extended period of time beyond seven (7) days from the issuance of the COVID Order 2 the precise length of which is not determinable at this time; and

**WHEREAS**, the Council supports the issuance of the COVID Order 2 and finds that it is in the best interest of the citizens of Michigan City that the COVID Order 2 be extended beyond seven (7) days until 11:59 p.m. on May 23 or until such time as the Mayor determines that the spread of COVID-19 no longer poses a threat to the citizens of Michigan City, whichever period is shorter.

**NOW, THEREFORE, BE IT RESOLVED**, by the Michigan City Common Council that it approves Mayor Duane Parry's issuance of his Executive Order 05-2020 Declaring A Public Health Emergency Due To The Coronavirus Pandemic & Implementing Certain Public Health And Safety Measures (Executive Order) and consents to it being effective and in full force and effect until 11:59 p.m. on May 23, 2020 or until such time as the Mayor determines that the spread of COVID-19 no longer poses a threat to the citizens of Michigan City, whichever period is shorter.

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

Passed and Adopted by the Michigan City Common Council on May 12, 2020.

**INTRODUCED BY:** /s/ Sean Fitzpatrick, President

**CO-SPONSOR:** /s/ Don Przybylinski, Member

**CO-SPONSOR:** /s/ Angie Nelson Deutch, Member

**CO-SPONSOR:** /s/ Dalia Zygas, Member

**CO-SPONSOR:** /s/ Tracie Tillman, Member

**CO-SPONSOR:** /s/ Paul A. Przybylinski, Member

**CO-SPONSOR:** /s/ Gene Simmons, Member

Passed by the Common Council of the City of Michigan City, Indiana this 12th day of May, 2020.

/s/ Sean Fitzpatrick, President  
Michigan City Common Council

Approved by me, this 13th day of May, 2020.

/s/ Duane Parry, Mayor  
Michigan City, Indiana

ATTEST:

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

**MICHIGAN CITY COMMON COUNCIL**

**RESOLUTION NO. 4781**

**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 cubic yards 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: /s/ Dalia Zygas, Member

CO-SPONSOR: /s/ Michael Mack, Member

CO-SPONSOR: /s/ Don Przybylinski, Member

Passed and adopted this 3<sup>rd</sup> day of June, 2020 by a vote of 8 to 1 (Abstain).

/s/ Sean Fitzpatrick, President  
Michigan City Common Council

Approved by me on the 4<sup>th</sup> day of June, 2020.

/s/ Duane Parry, Mayor  
Michigan City

Attest: /s/ Gale Neulieb, Clerk  
City of Michigan City

**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 38(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



## Fighting Chance Fund Application

*Do not delay in submitting applications! Funds will be awarded quickly.  
Maximum grant amounts are \$5,000 per business, based on demonstrated need.*

### **Eligibility:**

Businesses eligible for a Michigan City Fighting Chance Fund grant must meet the following requirements:

- Must be in good standing with regard to state and local taxes, licenses, and code compliance.
- Must be in good standing with the Indiana Secretary of State if not a sole proprietorship.
- Must have been established and operational in the City of Michigan City for at least the previous 6 months. Businesses that have expanded to a storefront from another business are eligible (e.g., an established caterer who opened a restaurant or an online retailer who opened a boutique).
- Eligible uses of funds: payroll (exclusive of owner compensation), utilities, rent, mortgage payments, insurance, or similar expenses, and products directly used in production of a product for sale.
- Preference will be given to businesses that have:
  - demonstrated a commitment to the community, through support of local youth or charitable programs, good corporate citizenship, participation in community and business support organizations;
  - plans to hire, train, or assist individuals who lost jobs or experienced economic hardship during the COVID-19 crisis;
  - unmet needs that have not been or are not anticipated to be addressed through the Small Business Administration (SBA) Disaster Loan Program or through other government assistance programs;
  - have not received abatements or incentives from the city previously;
  - made all reasonable efforts to keep employees employed during the recovery process.

The Michigan City Fighting Chance Fund program has limited funding, therefore not all grant requests may be approved or approved at the level requested. Applications will be reviewed and kept confidential by the selection committee.

Please email your completed grant application and supporting documents to the Program Administrator at xxxx.

### **Review Process:**

- Applications are due by the close of business on xxx
- Applications will then be reviewed by a selection committee.
- Grants recipients will be notified during the week of xxx, and payments will be disseminated no later than xxxx.
- If funding allows, additional grants may be processed and awarded on an as-needed basis.

## EXHIBIT A

**Section 1: Business Description**

**Business Name:**  
**Business Address:**  
**Business Owner:**  
**Business Contact:**  
    **Name:**  
    **Phone:**  
    **Email:**

**EIN Number:**

**How long has the business been located in the Michigan City, Indiana?**

**Type of Business/Target Market:**

**Number of Full-Time Employees as of March 1, 2020:**  
**Number of Part-Time Employees as of March 1, 2020:**  
**Number of Full-Time Employees as of April 3, 2020 or application submission date:**  
**Number of Part-Time Employees as of April 3, 2020 or application submission date:**

**2019 Annual Sales/Business Revenue:**  
**First Quarter 2020 Sales/Business Revenue:**

**Explain how your business has been affected by the impact of COVID-19 and how your existing needs are consistent with the purpose of the grant program.**

**Do you plan to seek SBA disaster assistance loans, SBA emergency grants, other governmental assistance or traditional loans from a bank?**

**List other financial assistance that you have received in the past month.**

**Please list your involvement with local networking and community organizations (Chamber of Commerce, Rotary, Business Councils, Michigan City Main Street, etc.), business coaching, or similar assistance, conferences, and trainings related to small business development that you have attended in the last 2 years.**

Do you have any outstanding state or local tax or fee obligations?

Do you have any outstanding legal judgments or liens against you or your business property?

Do you have any unresolved Code compliance orders?

Please share other information that you would like the selection committee to know about your business:

## Section 2: Grant Request Information

Grant Amount Requested (grants may not exceed \$5,000):

How do you plan to use the grant funding?

How will these funds help your business move towards stability or sustainability?

## Section 3: Owner Information

Please circle (or bold) all choices that apply to you:

- |  |   |
|--|---|
| <input type="radio"/> Male                   | <input type="radio"/> Hispanic/Latino               |
| <input type="radio"/> Female                 | <input type="radio"/> Black or African American     |
| <input type="radio"/> Person with disability | <input type="radio"/> White or Caucasian            |
| <input type="radio"/> Veteran                | <input type="radio"/> Other (please specify): _____ |
| <input type="radio"/> Non-US Citizen         |   |

## Section 4: Certification Statement

I certify that the information above is correct to the best of my knowledge. I authorize the Michigan City Fighting Chance Fund selection committee to make inquiries as necessary to verify the accuracy of the statements made by me in this Application. I agree to indemnify and hold harmless the City of Michigan City, its officers, directors, employees, agents, and volunteers from any and all claims, loss, or other liability arising from or related to the services that the Committee provides before, during, and after the grant review process. I agree that I will use any funds received for purposes consistent with my application and with the grant program rules.

**Notice:** The Michigan City Fighting Chance Fund Committee is dedicated to maintaining the confidentiality of all private client information, including proprietary business data, business plans, and tax ID numbers.

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Owner or Authorized Representative Signature

---

Date

## **Section 5: Documentation Check List**

In addition to this Application, please submit the following:

- Copy of driver's license or other form of ID
- W-9
- 2018 and 2019 financial statements (if applicable) plus interim statement showing impact during Q1 2020
- Proof of good standing with the Indiana Secretary of State, if applicable.

**If your grant is approved, additional documents may be required before transfer of funds. Additionally, you will need to complete a report later this year to explain and document how the funds were used consistent with grant program rules.**

MICHIGAN CITY COMMON COUNCIL

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

**AMENDING SECTION 38-40 OF THE MUNICIPAL CODE TO PROVIDE FOR  
EMERGENCY RELIEF FUNDS TO CITY RESIDENTS**

**WHEREAS**, the Common Council has determined that some of the residents of Michigan City are in dire financial straits and unable to pay their rent, mortgagee, and utilities due to the loss of income resulting from the COVID-19 pandemic shutdown; and

**WHEREAS**, the Common Council believes it is the responsibility of the City to provide assistance to those residents, to the extent it can, to help them make the payments necessary to be able to remain in their residences and continue to receive utility services.

**WHEREAS**, the Common Council believes it is the responsibility of the City to provide assistance to organizations that service the homeless population, to the extent it can, to ensure proper services to them if impacted by COVID-19.

**NOW, THEREFORE, BE IT ORDAINED**, by the Michigan City Common Council that Section 38-40 of Chapter 38, Article VI of the Michigan City Municipal Code be amended as follows:

- 1. The heading to the Section is amended to read as follows:

**Sec. 38-40 Michigan City Promise Scholarship and Emergency Relief Fund.**

- 2. Subsection (b) is added to the Section and is to read as follows:

(b) In addition to the use of the funds in the Fund as specified in subsection (a) above, \$750,000 of the funds in the restrictive non-reverting Fund shall be used to provide Emergency Relief to City residents, including the homeless, from the financial calamities that they are facing as a result of the current pandemic, to assist with rent, mortgage payments, utility, and other expenses necessary to sustain their health. The funds shall be transferred from the Fund to the City’s CDBG COVID-19 program Fund for distribution to City residents pursuant to the rules and regulations of that program.

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

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

Angie Nelson Deutch, Member  
Michigan City Common Council

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

Sean Fitzpatrick, 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  
Michigan City, Indiana

ATTESTED:

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

**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 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.
- 3.) The child is between the age of two (2) and fifteen (15) years of age at the time of the request.
- 4.) 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.
- 5.) Applicant provides proof of residency (copy of driver's license, property tax notice, utility billing or other documentation).
- 6.) 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.
- 7.) 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 but cannot require more proof of impairment than that stated in subsection 2, above. The Application form attached hereto as Exhibit A shall be used by the applicant.

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

\_\_\_\_\_  
Bryant Dabney, Member  
Michigan City Common Council

\_\_\_\_\_  
Angie Nelson Deutch, Member  
Michigan City Common Council

\_\_\_\_\_  
Don 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.
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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



## Fighting Chance Fund Application

*Do not delay in submitting applications! Funds will be awarded quickly.  
Maximum grant amounts are \$5,000 per business, based on demonstrated need.*

### **Eligibility:**

Businesses eligible for a Michigan City Fighting Chance Fund grant must meet the following requirements:

- Must be in good standing with regard to state and local taxes, licenses, and code compliance.
- Must be in good standing with the Indiana Secretary of State if not a sole proprietorship.
- Must have been established and operational in the City of Michigan City for at least the previous 6 months. Businesses that have expanded to a storefront from another business are eligible (e.g., an established caterer who opened a restaurant or an online retailer who opened a boutique).
- Eligible uses of funds: payroll (exclusive of owner compensation), utilities, rent, mortgage payments, insurance, or similar expenses, and products directly used in production of a product for sale.
- Preference will be given to businesses that have:
  - demonstrated a commitment to the community, through support of local youth or charitable programs, good corporate citizenship, participation in community and business support organizations;
  - plans to hire, train, or assist individuals who lost jobs or experienced economic hardship during the COVID-19 crisis;
  - unmet needs that have not been or are not anticipated to be addressed through the Small Business Administration (SBA) Disaster Loan Program or through other government assistance programs;
  - have not received abatements or incentives from the city previously;
  - made all reasonable efforts to keep employees employed during the recovery process.

The Michigan City Fighting Chance Fund program has limited funding, therefore not all grant requests may be approved or approved at the level requested. Applications will be reviewed and kept confidential by the selection committee.

Please email your completed grant application and supporting documents to the Program Administrator at xxxx.

### **Review Process:**

- Applications are due by the close of business on xxx
- Applications will then be reviewed by a selection committee.
- Grants recipients will be notified during the week of xxx, and payments will be disseminated no later than xxxx.
- If funding allows, additional grants may be processed and awarded on an as-needed basis.

## **EXHIBIT A**

**Section 1: Business Description**

Business Name:  
Business Address:  
Business Owner:  
Business Contact:  
    Name:  
    Phone:  
    Email:

EIN Number:

How long has the business been located in the Michigan City, Indiana?

Type of Business/Target Market:

Number of Full-Time Employees as of March 1, 2020:  
Number of Part-Time Employees as of March 1, 2020:  
Number of Full-Time Employees as of April 3, 2020 or application submission date:  
Number of Part-Time Employees as of April 3, 2020 or application submission date:

2019 Annual Sales/Business Revenue:  
First Quarter 2020 Sales/Business Revenue:

Explain how your business has been affected by the impact of COVID-19 and how your existing needs are consistent with the purpose of the grant program.

Do you plan to seek SBA disaster assistance loans, SBA emergency grants, other governmental assistance or traditional loans from a bank?

List other financial assistance that you have received in the past month.

Please list your involvement with local networking and community organizations (Chamber of Commerce, Rotary, Business Councils, Michigan City Main Street, etc.), business coaching, or similar assistance, conferences, and trainings related to small business development that you have attended in the last 2 years.

Do you have any outstanding state or local tax or fee obligations?

Do you have any outstanding legal judgments or liens against you or your business property?

Do you have any unresolved Code compliance orders?

Please share other information that you would like the selection committee to know about your business:

**Section 2: Grant Request Information**

Grant Amount Requested (grants may not exceed \$5,000):

How do you plan to use the grant funding?

How will these funds help your business move towards stability or sustainability?

**Section 3: Owner Information**

Please circle (or bold) all choices that apply to you:

- Male
- Female
- Person with disability
- Veteran
- Non-US Citizen
- Hispanic/Latino
- Black or African American
- White or Caucasian
- Other (please specify): \_\_\_\_\_

**Section 4: Certification Statement**

I certify that the information above is correct to the best of my knowledge. I authorize the Michigan City Fighting Chance Fund selection committee to make inquiries as necessary to verify the accuracy of the statements made by me in this Application. I agree to indemnify and hold harmless the City of Michigan City, its officers, directors, employees, agents, and volunteers from any and all claims, loss, or other liability arising from or related to the services that the Committee provides before, during, and after the grant review process. I agree that I will use any funds received for purposes consistent with my application and with the grant program rules.

**Notice:** *The Michigan City Fighting Chance Fund Committee is dedicated to maintaining the confidentiality of all private client information, including proprietary business data, business plans, and tax ID numbers.*

---

Owner or Authorized Representative Signature

---

Date

## **Section 5: Documentation Check List**

In addition to this Application, please submit the following:

- Copy of driver's license or other form of ID
- W-9
- 2018 and 2019 financial statements (if applicable) plus interim statement showing impact during Q1 2020
- Proof of good standing with the Indiana Secretary of State, if applicable.

**If your grant is approved, additional documents may be required before transfer of funds. Additionally, you will need to complete a report later this year to explain and document how the funds were used consistent with grant program rules.**

MICHIGAN CITY COMMON COUNCIL

ORDINANCE NO. 4542

**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, at or above \$0.01 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:** /s/ Bryant Dabney, Member  
Michigan City Common Council  
**CO-SPONSOR** /s/ Tracie Tillman, Member  
Michigan City Common Council  
**CO-SPONSOR** /s/ Paul A. Przybylinski, Member  
Michigan City Common Council  
**CO-SPONSOR** /s/ Don Przybylinski, member  
Michigan City Common Council

Passed by the Common Council of the City of Michigan City, Indiana, this 13<sup>th</sup> day of April, 2020 by a vote of 9 to 0.

/s/ Sean Fitzpatrick, President  
Michigan City Common Council

Approved by me, this 14<sup>th</sup> day of April 2020.

/s/ Duane Parry, Mayor  
City of Michigan City, Indiana

ATTEST:

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

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. \_\_\_\_\_**

**ADOPTING POLICY TO ALLOW 5% OF RIVERBOAT FUNDS TO BE USED TO FUND THE CITY'S OPERATING EXPENDITURES FROM THE GENERAL FUND AND DEDICATING 50% OF RIVERBOAT REVENUES TO INCREASE THE RAINY DAY FUND BALANCE UP TO A MINIMUM OF \$6 MILLION DOLLARS**

**WHEREAS**, in the past, the Common Council has passed several Ordinances limiting percentage of Riverboat revenues that could be used for the City's normal and routine operating expenses paid from the City's General Fund; and

**WHEREAS**, in the past, the Common Council passed Ordinance No. 4285 creating a Rainy Day Fund for the City the terms and conditions of which Ordinance is now codified in Section 2-402 of the Michigan City Municipal Code; and

**WHEREAS**, due to the dire financial condition of the City resulting from adverse impact on City revenues, including, but not limited to, Riverboat revenues, from the COVID-19 pandemic, City expenditures exceeding City revenues in prior years, and the lack of any long range financial planning by the City to prepare for such adverse financial situations, the Common Council finds that it is in the best interest of the City to take prompt action to require substantial and effective steps be taken to improve the financial status of the City and prepare it for adverse financial circumstances that occur in the future; and

**WHEREAS**, the Common Council finds that creating a substantial balance in the City's Rainy Day Fund, funded on an ongoing basis with a part of the Riverboat revenues it receives, is essential to the future financial viability of the City; and

**WHEREAS**, the Common Council finds that strictly limiting the amount of Riverboat revenues that can be used for the City's normal and routine operating expenses paid from the City's General Fund is necessary to allow the proper balance to be achieved in the Rainy Day Fund as soon as reasonably possible.

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

**SECTION 1:** For purposes of the City's 2021 and succeeding years' budgets for General Fund operating expenditures, no more than 5% of Riverboat funds received by the City may be used for normal and routine operating expenses in preparing the City's Budgets for the General Fund.

50 % of Riverboat funds received by the City shall be deposited as they are received into the City's Rainy Day Fund until the balance in that Fund reaches at least \$6 Million.

The remainder of the Riverboat funds received by the City, including income from investment thereof, shall be reserved for capital expenditures for capital improvement and development projects in the City.

**SECTION 2:** For purposes of this Ordinance, "capital expenditures" and "operating expenses" shall be defined as stated in Exhibit 1 which is attached hereto and incorporated 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:** \_\_\_\_\_,  
Sean Fitzpatrick, President  
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

ATTEST:

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

*Prepared by Council Attorney Upon Sponsor Request*

## EXHIBIT "A"

### DEFINITION APPLICABLE TO RIVERBOAT EXPENDITURE LIMITATIONS

Capital expenditures are expenditures providing benefits extending for more than one year. A capital expenditure is incurred when the City spends money either to buy a fixed asset with a useful life that extend beyond the fiscal year in which it is purchased or to add to the value of an existing fixed asset with a useful life that extends beyond the fiscal year by repair or improvement which repair or improvement either increases the useful life of the fixed asset by a year or more or significantly increases the value of the fixed asset. Capital expenditures are used by the City to acquire to upgrade physical assets such as equipment, utility facilities, property, or buildings.

For Riverboat Fund expenditure purposes, capital expenditures are costs that cannot be deducted per IRS regulations in the year in which they are paid or incurred and must be capitalized. The general rule is that if the property acquired has a useful life longer than the fiscal year, the cost must be capitalized. As stated above, capital expenditures create or add basis to the asset or property.

Included in capital expenditures are amounts spend on:

1. Acquiring fixed assets
2. Fixing problems with an asset that existed prior to acquisition
3. Preparing an asset to be used in business
4. Legal costs of establishing or maintaining one's right of ownership in a piece of property
5. Restoring property or adapting it to a new or different use

An operating expense, operating expenditure, operational expense, operational expenditure is an on-going cost for operating a product, business, or system. Its counterpart, a capital expenditure, is the cost of developing or providing non-consumable parts for the product or system. For example, the purchase of a photocopier is a capital expenditure, and the annual paper and toner cost is an operating expenditure. Operating expenditures also include the cost of workers and facility expenses such as rent and utilities.

An operating expense is a day-to-day expense. Operating expenses also include depreciation of equipment, property, and buildings.

Operating expenses are costs associated with the operation and maintenance of the City and departments. Operating expenses include:

- accounting expenses
- license fees
- corrective maintenance and repairs, such as snow removal, trash removal, janitorial service, pest control, and lawn care
- preventative and predictive maintenance such as lubrication, as oil changes, routine inspection, filter changes, meter calibrations, equipment adjustments
- advertising
- office expenses
- supplies
- attorney fees, consultant fees, and litigation expenses
- utilities, such as telephone

- insurance
- property management, including a resident manager
- travel and vehicle expenses
- leasing commissions
- salary and wages
- raw materials

Pursuant to Michigan City capitalization policies, capital expenditures do not include an expenditure that would otherwise meet the definition of being a capital expenditure if it is an expenditure of less than:

\$100,000 for Infrastructure

\$50,000 for building and structures

\$20,000 for building or land improvements

\$ 5,000 for all other types of expenditures

These expenditures are deemed to be, and are accounted for as, operating expenditures in City records and reports and shall be considered such for the purposes of the definitions here.

**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 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.
- 3.) The child is between the age of two (2) and fifteen (15) years of age at the time of the request.
- 4.) 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.
- 5.) Applicant provides proof of residency (copy of driver's license, property tax notice, utility billing or other documentation).
- 6.) 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.
- 7.) 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 but cannot require more proof of impairment than that stated in subsection 2, above. The Application form attached hereto as Exhibit A shall be used by the applicant.

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

\_\_\_\_\_  
Bryant Dabney, Member  
Michigan City Common Council

\_\_\_\_\_  
Angie Nelson Deutch, Member  
Michigan City Common Council

\_\_\_\_\_  
Don 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



**APPLICATION FOR TRAFFIC WARNING SIGN INSTALLATION FOR CHILD WITH HEARING, VISION, OR PHYSICAL DISABILITY**

City Clerk/Michigan City Board of Public Works & Safety  
100 E. Michigan Blvd  
Michigan City, Indiana 46360  
(219) 873-1410

*This Application requests information which will be used to determine your eligibility for installation of traffic warning sign on street. Failure to provide a completed application will result in City Clerk's inability to process request to Board of Public Works & Safety. If space is insufficient, please attach additional sheets.*

**INSTRUCTIONS TO APPLICANT:** The applicant must deliver a completed application to the Department of Central Services at 100 E. Michigan Blvd, Michigan City, Indiana accompanied by all items required by this application. The application may be delivered in person, U.S. mail, or email (send email to all of the following: [galen@emichigancity.com](mailto:galen@emichigancity.com); [ddebald@emichigancity.com](mailto:ddebald@emichigancity.com); and [kzawacki@emichigancity.com](mailto:kzawacki@emichigancity.com)). Once the application is complete, the City Clerk will place this request on the next regular meeting of the Michigan City Board of Public Works & Safety. Applicant is encouraged to attend this meeting to answer any questions by the Board.

**PARENT, GUARDIAN, OR LEGAL CUSTODIAN INFORMATION:**

Name: [Click here to enter text.](#)  
E-mail: [Click here to enter text.](#)  
Address: [Click here to enter text.](#)  
City: [Click here to enter text.](#) State: [Click here to enter text.](#) Zip Code: [Click here to enter text.](#)  
Phone Number: [Click here to enter text.](#)

**CHILD INFORMATION:**

Name of Child: [Click here to enter text.](#)  
Age of Child: [Click here to enter text.](#)  
Address where child resides: [Click here to enter text.](#)  
Date of Birth of Child: [Click here to enter text.](#)

Does the child reside within the corporate limits of Michigan City?  Yes  No

Does the child live on a residential street with a posted speed limit of at least 25 mph?  Yes  No

If this Application is granted, do you agree to provide proof of the child's residency to the City prior to January 1 of each subsequent year until the child's fifteenth birthday?  Yes  No

**CERTIFICATION BY QUALIFIED LICENSED MEDICAL PROFESSIONAL:**

I hereby certify that the aforementioned child is under the age of 15 years and has a: (check applicable box)

- Vision Impairment
- Hearing Impairment
- Physical Disability

Printed Name of Medical Professional: \_\_\_\_\_

Signature of Medical Professional: \_\_\_\_\_

Date: \_\_\_\_\_

**ATTACHMENTS TO THIS APPLICATION (please check if information is attached)**

Applicant must provide proof of residence, which can include the following to demonstrate proof of residency: copy of driver's license, property tax notice, utility bill, lease, etc.

**AFFIRMATION AND WAIVER & RELEASE BY APPLICANT**

By signing below, I hereby affirm that the aforementioned information is true to the best of my knowledge and belief. I understand that by January 1 of each year, I must provide the City (by and through the Michigan City Clerk's Office at the address listed at the top of this Application) proof of my child's residence, and if I fail to provide that proof, that the traffic sign, if approved by the Board of Works & Safety, may be removed. I understand that the sign will be removed if the child no longer resides at this residence or when the child is 15 years of age. If the child no longer resides at this residence, I will notify the City in writing.

The Undersigned hereby waives, releases and discharges, on behalf of child and on behalf of himself/herself, and for any other person or entity acting on his/her behalf or on their own behalf, including but not limited to assignors, heirs, executors, and administrators, the City of Michigan City, Indiana from any and all claims or demands therefore on account of injury, loss, or damage to person or property, wrongful death actions, future claims, demands, liens, rights, costs, expenses, and other related items of damage or actions of any kind on account of, growing out of, or which may result from this Application and request for traffic signage, which arise or in the future may arise. The Undersigned expressly agrees to indemnify and hold the City harmless from any and all claims or demands therefore on account of injury, loss, or damage to person or property, wrongful death actions, future claims, demands, liens, rights, costs, expenses, and other related items of damage or actions of any kind by the Undersigned and/or Undersigned child, or by any other person or entity acting on his behalf or on their own behalf, including but not limited to assignors, heirs, executors, and administrators, on account of, growing out of, or which may result as from this Application and request for traffic signage, which arise or in the future may arise. It is expressly intended that such indemnification and hold harmless obligation shall extend to and include attorney fees and costs incurred by the participation of City in defending any claim, causes of action, wrongful death causes of action, or demands. This indemnification and hold harmless obligation does not apply to claims, damages, and losses to the extent that they are the result of the negligence or otherwise wrongful conduct of an official, officer, or employee of the City.

Printed Name of Applicant: \_\_\_\_\_

Signature of Applicant: \_\_\_\_\_

Date: \_\_\_\_\_

<u>FOR OFFICE USE ONLY</u>	
Date Approved by BOW	_____
Date Denied by BOW	_____
Reason Denied	_____
Date of Sign Installation	_____