



FILED  
AUG 13 2020

TRACY NEULIEB  
CITY CLERK  
CITY OF MICHIGAN CITY

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

**Tuesday, August 18, 2020**

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

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

CALL TO ORDER BY COUNCIL PRESIDENT

ROLL CALL

REPORTS of STANDING COMMITTEES

FINANCE COMMITTEE REPORT

CLAIMS DOCKET

<u>August 18, 2020 Riverboat/Boyd Claim Docket</u>	
Fund #2042 – Riverboat – Claims	\$ 1,779.52
Fund #2031 – Boyd – Claims	\$ 1,320.00
<b>TOTAL</b>	<b>\$3,099.52</b>

**REPORTS of SPECIAL or SELECT COMMITTEES**

**REPORTS of OTHER CITY OFFICERS and DEPARTMENTS**

**RESOLUTION**

**APPROVING THE EXTENSION OF THE MAYOR'S EXECUTIVE ORDER 11-2020 EXTENDING THE DECLARATION OF A PUBLIC HEALTH EMERGENCY DUE TO THE COVID-19 VIRUS AND ORDERING THE TEMPORARY CLOSURE OF WASHINGTON PARK, ALL PUBLIC ENTRANCES TO THE BEACH FROM STOP 2 THROUGH STOP 13, AND THE ESPLANADE**

**Introduced by: Sean Fitzpatrick**

**UNFINISHED BUSINESS**

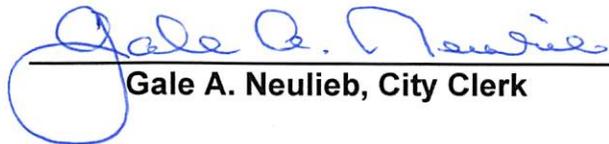
**NOMINATIONS:** The Council has one (1) appointment to the Michigan City Police Commission due to the resignation of Mr. Mike Buda expiring 09/07/2020.

**COMMENTS FROM THE MAYOR**

**COMMENTS FROM THE PUBLIC**

**COMMENTS FROM THE COUNCIL**

**ADJOURNMENT**

  
Gale A. Neulieb, City Clerk

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

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Agenda August 18, 2020  
Posted August 13, 2020

## **How to connect to Zoom Webinar**

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

**CLICK ON THE URL:**

<https://us02web.zoom.us/j/89544766117?pwd=enFOblkxTlF0Zk5yTXZlZ0NwdGp0Zz09>

**WEBINAR ID:** 895-4476-6117

**PASSCODE:** 969010

PHONE NUMBER TO CONNECT TO THE MEETING

US: +1-312-626-6799

FILED

AUG 13 2020

GALE A. NEULIEB  
CITY CLERK  
CITY OF MICHIGAN CITY

MICHIGAN CITY COMMON COUNCIL

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

**APPROVING THE EXTENSION OF THE MAYOR’S EXECUTIVE ORDER 11-2020  
EXTENDING THE DECLARATION OF A PUBLIC HEALTH EMERGENCY DUE TO THE  
COVID-19 VIRUS AND ORDERING THE TEMPORARY CLOSURE OF WASHINGTON  
PARK, ALL PUBLIC ENTRANCES TO THE BEACH FROM STOP 2 THROUGH STOP 13,  
AND THE ESPLANADE**

**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 August 13, 2020, Mayor Duane Parry issued his Executive Order 11-2020, Extending the Declaration of a Public Health Emergency Due to the Coronavirus Pandemic & Ordering the Temporary Closure of Washington Park, All Public Entrances to the Beach From Stop 2 Through 13, and the Esplanade, a copy of which Executive Order 11-2020 is attached hereto as Exhibit A; and

**WHEREAS**, IC 10-14-3-29 requires the Council’s consent for the Executive Order 09-2020 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 Executive Order 11-2020, the precise length of which is not determinable at this time; and

**WHEREAS**, the Council supports the issuance of the Executive Order 11-2020 and finds that it is in the best interest of the citizens of Michigan City that the Executive Order 11-2020 be extended beyond seven (7) days until 11:59 p.m. on September 13, 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.

**NOW, THEREFORE, BE IT RESOLVED**, by the Michigan. City Common Council that it approves Mayor Duane Parry’s issuance of his Executive Order 11-2020 Extending the Declaration of a Public Health Emergency Due To The Coronavirus Pandemic & Ordering the Temporary Closure of Washington Park, All Public Entrances to the Beach From Stop 2 Through Stop 13, and the Esplanade (Executive Order), and consents to the Executive Order being effective and in full force and effect until 11:59 p.m. on September 13, 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 approval by the Mayor.

**INTRODUCED BY:** \_\_\_\_\_  
Sean Fitzpatrick, President

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

AUG 13 2020

**EXECUTIVE ORDER: 11-2020**GALE A. NEULIEB  
CITY CLERK  
CITY OF MICHIGAN CITY**EXTENDING THE DECLARATION OF A PUBLIC HEALTH EMERGENCY DUE TO THE CORONAVIRUS PANDEMIC & ORDERING THE TEMPORARY CLOSURE OF WASHINGTON PARK, ALL PUBLIC ENTRANCES TO THE BEACH FROM STOP 2 THROUGH STOP 13, AND THE ESPLANADE**

**WHEREAS**, pursuant to I.C. § 10-14-3-29, on July 23, 2020, I issued Executive Order 09-2020 that temporarily closed Washington Park, the Senior Center, Fedder's Alley, the Zoo, and all parking areas within said vicinities; and

**WHEREAS**, on July 30, 2020, the Michigan City Common Council extended my Executive Order until 11:59 p.m. on August 13, 2020, or until such time, I determine that the spread of COVID-19 no longer poses a threat to the citizens of Michigan City; and

**WHEREAS**, because the Michigan City Zoo devised reasonable plans for maintaining social distancing, complying with CDC guidelines, and managing the number of visitors to the Zoo by virtue of scheduled appointments during the COVID-19 pandemic, on August 6, 2020, I modified Executive Order 09-2020 by issuing Executive Order 10-2020 allowing for the re-opening to the Zoo; and

**WHEREAS**, as of August 10, 2020<sup>1</sup>, the Indiana Health Department reported that there were 75,862 positive cases of COVID-19 and 2,863 deaths resulting from COVID-19 in the State of Indiana, and in particular, LaPorte County had a total of 931 positive cases of COVID-19 and 30 deaths resulting from COVID-19; and

**WHEREAS**, the statistical data, as provided by the Indiana Health Department, is still showing an increase in the number of COVID-19 cases and deaths in Indiana, including LaPorte County; and

**WHEREAS**, in addition to the growing COVID-19 cases in LaPorte County, and on a national level, numerous states across the U.S. are reporting record number of outbreaks of the virus; and

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<sup>1</sup> When I issued Executive Order No. 04-2020, on April 7, 2020, the Indiana Health Department reported the following:

- 5,507 positive cases of COVID-19 and 173 deaths resulting from COVID-19 in the State of Indiana
- 25 positive cases of COVID-19 and 3 deaths resulting from COVID-19 in LaPorte County

On July 16, 2020, I issued Executive Order No. 08-2020, at which time the Indiana Health Department reported the following:

- 53,370 positive cases of COVID-19 and 2,592 deaths resulting from COVID-19 in the State of Indiana
- 648 positive cases of COVID-19 and 28 deaths resulting from COVID-19 in LaPorte County

On July 23, 2020, I issued Executive Order No. 09-2020, at which time on July 21, 2020, the Indiana Health Department reported the following:

- 53,673 positive cases of COVID-19 and 2,666 deaths resulting from COVID-19 in the State of Indiana
- 706 positive cases of COVID-19 and 28 deaths resulting from COVID-19 in LaPorte County

**WHEREAS**, despite the increase in COVID-19 cases in our county, state, and throughout the nation, Michigan City's Washington Park has experienced unusually large attendance levels, which include numerous out-of-county visitors and out-of-state visitors (prior to the Washington Park's closure by virtue of my prior executive orders) causing difficulty for patrons to comply with COVID-19 social distancing requirements and CDC guidelines; and

**WHEREAS**, LaPorte County is still under the Public Health Order issued by the LaPorte County Health Department mandating the use of facial coverings as follows:

**"A. Face Covering Mandate**

Every individual must properly wear a face covering over their nose and mouth when they are at:

- An indoor area open to the public, including public transportation;
- An outdoor public area where a distance of 6 feet from individuals outside of their household cannot be maintained; or
- A private indoor or outdoor area where a distance of 6 feet from individuals outside of their household cannot be maintained...;" and

**WHEREAS**, in addition the Public Health Order issued by the LaPorte County Health Department, the State of Indiana is still under a statewide mask mandate issued by Governor Holcomb by virtue of his Executive Order # 20-37; and

**WHEREAS**, it is anticipated that Michigan City will continue to experience warm weather temperatures that would commonly draw large crowds to the beach; and

**WHEREAS**, given the heat temperatures, compliance with the Governor Holcomb's and the LaPorte County Health Department mask mandate orders would be difficult, if not impossible to achieve, while patrons are sunbathing, swimming on the lakefront, and engaging in outdoor activities; and

**WHEREAS**, because of the unprecedented large numbers of visitors to Washington Park and the beachfront, social distancing, compliance with CDC guidelines, and compliance with the mask mandate from Governor Holcomb and the LaPorte County Health Department cannot be effectively maintained to prevent the spread of COVID-19; and

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

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

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

**WHEREAS**, in addition to I.C. § 10-14-3-29, Michigan City Municipal Code Sec. 34-1 provides the Mayor with the ability to declare an emergency; and

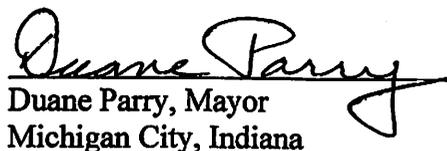
**WHEREAS**, in an effort to attempt to flatten the curve, slow the spread, and/or stop the spread of COVID-19 in our community, it is in the best interest of the public and our residents that I declare an emergency in our community caused by COVID-19 and order the temporary closure of Washington Park, the Senior Center, Fedder's Alley, and all parking areas within said vicinities except Lot 2; and

**WHEREAS**, in addition, due to the large number of crowds that have been commencing on the lakefront from Stop 2 through Stop 13, I hereby order the temporary closure of all public entrances to the beach from Stop 2 through Stop 13 and the City's lakefront property commonly known as the "Esplanade."

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

1. The local disaster emergency in the City of Michigan City, Indiana shall be effective at 12:01 a.m. CST on Friday, August 14, 2020. This emergency is attributable to the coronavirus (COVID-19) pandemic.
2. This declaration shall continue through 11:59 p.m. on Thursday, August 20, 2020, unless the Common Council consents to an extension. Should the Common Council decline to extend, this declaration will expire at 11:59 p.m. on August 20, 2020.
3. I hereby order the temporary closure of Washington Park, which shall include but not be limited to the Senior Center, Fedder's Alley, and all parking areas within said vicinities except Lot 2. With exception of traffic to the Zoo for scheduled appointments, there shall be no traffic, (vehicular, pedestrian, motorcyclist, and bicyclist traffic, or otherwise) through Washington Park and the closed parking facilities. In addition, I hereby order the temporary closure of all public entrances to the beach from Stop 2 through Stop 13 and the City's lakefront property commonly known as the "Esplanade."
4. Violations of this emergency order are punishable as a crime under I.C. § 10-14-3-24 and I.C. § 10-14-3-34.
5. I have considered the scope of my authority under Indiana state law and City of Michigan City Sec. 34-1, *et seq.*, social and economic impacts, anticipated effectiveness, and current epidemiology of this pandemic.

Dated this 13<sup>th</sup> day of August, 2020.

  
Duane Parry, Mayor  
Michigan City, Indiana