CALL TO ORDER BY COUNCIL PRESIDENT

PLEDGE OF ALLEGIANCE TO THE FLAG and PRAYER

ROLL CALL

APPROVAL OF MINUTES

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

REPORTS OF STANDING COMMITTEES

FINANCE COMMITTEE REPORT
CLAIMS DOCKET

June 3, 2020  
Riverboat/Boyd Development – Purchase Orders
Riverboat - $63,237.00 (MCPD)
Boyd – none

June 3, 2020
Fund #2042 – Riverboat Claims $ 1,312.34
Riverboat EFT $ 209.55
Fund #2031 – Boyd Development - $ none

REPORTS OF SPECIAL or SELECT COMMITTEES

REPORTS of OTHER CITY OFFICERS and DEPARTMENTS

PETITIONS

RESOLUTION

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
ORDINANCE

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

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

ORDINANCE

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

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

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

UNFINISHED BUSINESS

NEW BUSINESS

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

ADJOURNMENT

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.

Agenda June 3, 2020
Posted May 29, 2020
MICHIGAN CITY COMMON COUNCIL

RESOLUTION NO. ________________

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

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

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

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

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

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

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

1. Once the closure of the Michigan City coal ash ponds begins, we request that:

   a. NIPSCO work with an independent Community Review Committee to assess the cleanup and closure process, provide the Committee regular updates, and fund a technical expert who can monitor the Project and provide instruction, information, and advice to the Committee.
b. IDEM publish an online web-page so public comments/concerns can be readily collected during the Project.

c. IDEM establish and enforce procedures that ensure the safe excavation, loading, transportation, and disposal of the coal ash with substantial penalties for non-compliance, to ensure that coal ash dust does not endanger clean-up workers or the public.

d. Hire an experienced, neutral third-party to be paid for by NIPSCO to monitor the air for particulate matter near the Michigan City plant and Schafer landfill sites during excavation, transportation, and disposal of the coal ash and make real-time data from the monitoring available to the public to protect the health and safety of the workers and the public.

e. IDEM inspect both sites regularly during the Project, monitoring for and minimizing airborne dust.

f. NIPSCO transport the coal ash in “sift proof” vehicles and encapsulated to prevent ash from escaping during transportation.

g. NIPSCO permanently and properly secure and contain the coal ash and its residue at its Michigan City facility to prevent the possibility of future spills into Lake Michigan and Trail Creek and submit to IDEM a supplemental closure plan that includes addressing and providing alternatives for replacing the deteriorating sheet pile walls.

h. IDEM immediately test fish, aquatic life, and sediments in Trail Creek and Lake Michigan for arsenic and other toxic and bio-accumulative coal ash contaminants with testing data made readily available to the public. If the tests reveal that fish consumption is found threatening to public health due to hazardous pollutants, IDEM should take necessary measures to alert the community.

i. NIPSCO extend water quality monitoring to encompass off-site migration into Trail Creek and Lake Michigan.

j. NIPSCO establish appropriate background wells that aren’t affected by coal ash to compare to the groundwater monitoring wells to indicate accurate pollution in the groundwater.

2. In addition to the third party monitor referenced in d above, that the Mayor create a group of City representatives, including at least two (2) Council members and employees and residents of the City who have knowledge of and expertise in the design and implementation of projects similar to the Project to maximize public safety and eliminate the risk of pollutants becoming air-borne and a risk to the health of the workers implementing the Project and the public. This group to review and comment on NIPSCO’s proposed plan for implementing the Project, to monitor NIPSCO’s implementation of the Project, to comment to NIPSCO, IDEM, and the public about, and provide input on, any concerns it has about the implementation of the Project.

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

SPONSORED BY: _______________________

Dalia Zygas, Member
CO-SPONSOR: ____________________________
                   Michael Mack, Member

CO-SPONSOR: ____________________________
                   Don Przybylinski, Member

Passed and adopted this _______ day of June, 2020 by a vote of ___ to ___.

______________________________
Sean Fitzpatrick, President
Michigan City Common Council

Approved by me on the ____ day of June, 2020.

______________________________
Duane Parry, Mayor
Michigan City

Attest: ____________________________
       Gale Neulieb, Clerk
       City of Michigan City
MICHIGAN CITY COMMON COUNCIL

ORDINANCE NO. _______

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

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

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

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

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

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

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

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

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

INTRODUCED BY:  
Tracie Tillman, Member  
Michigan City Common Council
CO-SPONSOR:

Gene Simmons, Member
Michigan City Common Council

Paul A. Przybylinski, Member
Michigan City Common Council

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

Sean Fitzpatrick, President
Michigan City Common Council

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

Duane Parry, Mayor
City of Michigan City, Indiana

ATTEST:

______________________
Gale A. Neulieb, Clerk
City of Michigan City, Indiana
MICHIGAN CITY COMMON COUNCIL
ORDINANCE NO. _________

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

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

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

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

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

   (4) Eligible uses.

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

       (1.) Purchase of machinery and equipment.

       (2.) Purchase of buildings and land for business operations.

       (3.) Construction, repair, and renovation of buildings.

       (4.) Operating capital including inventory and work in progress.

       (5.) Quantifiable employee training when state and federal grants have been investigated and exhausted.

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

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

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

1. Independently owned restaurants, but not national or regional chains.

2. Bars & Taverns.

3. Retail stores, not national or regional chains.

4. Personal Services, not national or regional chains, including:

   a. Hair, beauty, and other personal services, such as salons, barbers, massage parlors, tattoo parlors, spas, etc.

   b. Personal care services, such as child, elderly, and disabled care; funeral homes; etc.

   c. Laundry and clothing repair services, such as dry cleaners, laundromats, garment repairs and alterations, etc.
d. Residential cleaning services.
e. Pet care services.
f. Personal and household goods repairs and maintenance.
g. Fitness centers and gyms.
h. Event and banquet spaces & services.

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

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

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

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

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

INTRODUCED BY:

| Angie Nelson Deutch, Member |
| Michigan City Common Council |

CO-SPONSOR:

| Sean Fitzpatrick, Member |
| Michigan City Common Council |

Passed by the Common Council of the City of Michigan City, Indiana this ______ day of ______________________, 2020.

| Sean Fitzpatrick, President |
| Michigan City Common Council |

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

| Duane Parry, Mayor |
| Michigan City, Indiana |

ATTEST:

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