

REGULAR IN PERSON COUNCIL “HYBRID/ZOOM” MEETING February 17, 2026

The Common Council of the City of Michigan City, Indiana, met in Regular session on Tuesday evening, February 17, 2026, at the hour of 6:30 p.m., Hosted by “Hybrid/Zoom” and streamed live on “My Michigan City” Facebook Page.

The meeting was called to order at 6:30 p.m. by President Tillman.

Present Tillman stated to remember the family of Jese Jackson during our moment of silence.

Roll call was authorized, and the following were noted present and/or absent.

PRESENT: COUNCIL MEMBERS Tim Bietry, Greg Coulter, Vidya Kora, Daisey Lee, Nancy Moldenhauer, Joseph Nelson, Don Przybylinski, and Tracie Tillman (8).

ABSENT: COUNCIL MEMBER Bryant Dabney (1)

President Tillmans stated that Councilman Dabney absence has been approved.

A QUORUM WAS NOTED PRESENT

ALSO, PRESENT: Council Attorney Nick Snow, and City Deputy Clerk Amanda Pickens

APPROVAL OF MINUTES

President Tillman asked for a motion to approve the February 3, 2026, Regular Council (Hybrid/Zoom) meeting minutes.

Councilman Przybylinski made a motion to approve the February 3, 2026, Regular Council (Hybrid/Zoom) meeting minutes, second by Councilwoman Moldenhauer; the motion carried and was approved by the following vote: **AYES:** Council members Dr. Kora, Lee, Moldenhauer, Nelson, Przybylinski, Tillman, Bietry, and Coulter (8) **NAYS:** Council members None (0)

President Tillman stated the February 3, 2026, minutes has been approved.

REPORTS OF STANDING COMMITTEES

President Tillman asked if there were any standing committee reports, there was no response.

FINANCE REPORT

Councilman Dr. Kora stated that the Finance Committee did not meet this evening as there was no claims to approve; stating the Riverboat Statement of Cash Position for February 17, 2026, Riverboat Fund #2235 was \$3,970,099.90 Rainy-Day Fund #2236 was \$1,321,810.42 with the fiscal grand total ending balance was \$5,291,910.32.

REPORTS FROM BOARDS AND COMMISSIONS

President Tillman asked if there were any reports from boards and commissions.

Ron Miller, Community Enrichment Corporation President, presented the “2026 Annual Community Enrichment Report”

(NOTE: This communication is filed in the Clerk’s Office under Council Matters).

Discussion ensued between Mr. Miller, President Tillman, Councilmembers Dr. Kora, Nelson, and Bietry, thanking the corporation for doing a great job in our community, asking the process of the grant cycle and how the of awarding of funds is determined, membership to the corporation is by appointment, and inviting the council members to attend the Awards Banquette on March 18th at Blue Chip Casino.

Councilwoman Moldenhauer, advised the public that the Northwest Indiana Green Drinks will be meeting on Thursday, March 5, 2026, at 6:30 p.m. and you can join on Save the Dune's Facebook Live, or a zoom link can be obtained em@savedunes.org; "Gardening for Biodiversity: Basics and Beyond of Planting for Pollinators", presented by Leslie Shad and Kathy Sipple.

President Tillman asked if there were any other Board and Commission reports, there was no response.

REPORTS OF SPECIAL or SELECT COMMITTEES

President Tillman asked if there were any reports from Special or Select Committee reports, there was no response.

REPORTS FROM THE MAYOR OR OTHER CITY OFFICERS AND DEPARTMENTS

President Tillman asked if there were any reports from the Mayor or other city officers and departments, there was no response.

PETITIONS

President Tillman asked Deputy Clerk Pickens if there were any petitions.

Deputy Clerk Pickens advised that there were no petitions this evening.

COMMUNICATIONS

President Tillman asked if there was any correspondence received.

Deputy Clerk Pickens read the following correspondence that was received:

A "Notice of Public Hearing" was received in the Clerk's Office on February 3, 2026, regarding the proposed "Drive-thru Coffee Shop" located at 117 Willard Avenue.

A "Notice of Public Hearing" was received in the Clerk's Office on February 2, 2026, regarding the proposed "Crew Car Wash" located at 4353 Franklin Street.

RESOLUTIONS

Deputy Clerk Pickens read the following resolution by title only.

MICHIGAN CITY COMMON COUNCIL

RESOLUTION NO. 4990

A RESOLUTION TO AUTHORIZE THE DISPOSITION OF STALE-DATED OUTSTANDING WARRANTS OR CHECKS ISSUED BY THE CITY OF MICHIGAN CITY, INDIANA

WHEREAS, the City of Michigan City is an Indiana Municipal Corporation, governed by its duly elected Mayor and Common Council, and is therefore a Political Subdivision of the State of Indiana; and

WHEREAS, the Council has the authority and duty to maintain and oversee the fiscal operations of the City and to reconcile the City's financial and budgetary records; and

WHEREAS, the City of Michigan City is required by statute to make payment for goods and services in the form of warrants or checks, which are typically issued by the City Controller's Office; and

WHEREAS, Indiana statute (*see* Ind. Code 5-11-10.5-2) provides that all warrants or checks drawn upon public funds of a Political Subdivision, such as the City of Michigan City, that are outstanding and unpaid for a period of two (2) or more years as of the last day of December of each year, are void; and

WHEREAS, Indiana statute (*see* Ind. Code 5-11-10.5-3) further provides that, not later than March 1 of each year, the City Controller shall prepare or cause to be prepared a list of all warrants or checks that have been outstanding for a period of two (2) or more years as of December 31 of the preceding year, and shall file the list with the Common Council; and

WHEREAS, a list of said outstanding warrants and checks outstanding for a period of two (2) or more years as of December 31, 2025, containing all information required by Indiana statute (*see* Ind. Code 5-11-10.5-4), has been prepared by the City Controller, and is attached hereto as **Exhibit A** (categorized by fund number) and **Exhibit B** (categorized by warrant number and payee);

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City of Michigan City, LaPorte County, Indiana, as follows:

1. The aforementioned "Whereas" sections are incorporated herein as if fully set forth herein.
2. The City Council RECEIVES and ACCEPTS the list of stale-dated outstanding warrants or checks issued by the City of Michigan City as set forth in **Exhibit A and Exhibit B** and further AUTHORIZES their disposition in accordance with applicable statutes and regulations.

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

Introduced by: Tracie Tillman

NOTE: Exhibit's "A-B" is attached to Council Resolution No. 4990 in file CR-115.

President Tillman stated that a list of stale-dated checks has been provided to the council as these checks were issued but never cashed; therefore, they will be canceled and returned the funds to the departments.

Mary Lynn Wall, City Controller, stated that by IC code these outdated checks can be returned to the fund that the check was issued from.

President Tillman asked if there were any questions or comments from the public, there was no response.

President Tillman asked if there were any comments from council.

Councilman Bietry stated that this is allowing money to be returned to the department funds.

President Tillman asked if there any debates on this proposed resolution.

Councilman Bietry made a motion to approve the proposed resolution, second by Councilman Dr. Kora, the motion carried and the proposed resolution was approved by the following vote: **AYES:** Council members Lee, Moldenhauer, Nelson, Przybylinski, Tillman, Bietry, Coulter, and Kora (8) **NAYS:** Council members None (0)

President Tillman stated this resolution has passed.

Deputy Clerk Pickens read the following resolution by title only.

MICHIGAN CITY COMMON COUNCIL

RESOLUTION NO. 4991

**DETERMINING THAT FUNDING FOR CERTAIN
OUTSTANDING 2025 PURCHASE ORDERS SHOULD BE ENCUMBERED
AND AUTHORIZING THE CITY CONTROLLER TO ENCUMBER
SUCH FUNDS**

WHEREAS, the City of Michigan City is an Indiana Municipal Corporation, governed by its duly elected Mayor and City Council; and

WHEREAS, the Council has the authority and duty to maintain and oversee the fiscal operations of the City and to reconcile the City's financial and budgetary records; and

WHEREAS, the City of Michigan City has record of multiple outstanding purchase orders in multiple funds, for which the services or products have not yet been paid; and

WHEREAS, the total funding required to make payment for said outstanding purchase orders is listed and categorized by municipal fund number in **Exhibit A**, attached hereto, and listed and categorized by purchase order number in **Exhibit B**, attached hereto; and

WHEREAS, the funding to make payment for such services or projects was allocated in the Annual Budget for the City of Michigan City for Fiscal Year 2025, and said funding must be formally encumbered in order to allow payment to be made during Calendar Year 2026 using funds which were allocated in a budget from a prior year; and

WHEREAS, in order to complete certain projects, programs, or purchases using funding set aside in previous fiscal years, and in order to be consistent with Indiana law and Indiana Department of Local Government Finance (DLGF) procedures, the formal encumbrances must be authorized by a Resolution adopted by the Common Council and approved by the Mayor; and

WHEREAS, the City Controller of the City of Michigan City, Indiana recommends the approval of the various services or products for which payment has not yet been made, as reflected in **Exhibits A and B**, attached hereto;

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City of Michigan City, LaPorte County, Indiana as follows:

Section 1. Those certain City purchase orders and funds identified in **Exhibits A and B**, which are attached hereto and made a part hereof, are hereby **APPROVED**.

Section 2. The City Controller of the City of Michigan City is hereby DIRECTED to formally encumber the funding for said purchase orders in the appropriate accounts.

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

Introduced by: Tracie Tillman

NOTE: Exhibit's "A-B" is attached to Council Resolution No. 4991 in file CR-115.

President Tillman stated that the funds being encumbered, in the amount of \$4,899,878.00, was approved in the budget, advising a list was sent to the council.

President Tillman asked if there were any questions or comments from the public, there was no response.

President Tillman asked if there were any comments from council.

Councilman Bietry made a motion to approve the proposed resolution, second by Councilman Dr. Kora, the motion carried and the proposed resolution was approved by the following vote: **AYES:** Council members Moldenhauer, Nelson, Przybylinski, Tillman, Bietry, Coulter, Kora, and Lee (8) **NAYS:** Council members None (0)

President Tillman stated this resolution has passed.

Deputy Clerk Pickens read the following resolution by title only.
MICHIGAN CITY COMMON COUNCIL

RESOLUTION NO. 4992

**A RESOLUTION STRONGLY OPPOSING RECENT UTILITY RATE INCREASES
AND CALLING ON INDIANA UTILITY REGULATORY COMMISSION
TO REVERSE ITS APPROVAL OF THE SAME**

Introduced by: Vidya Kora
Don Przybylinski

President Tillman asked if the sponsors had any comments.

Councilman Przybylinski stated this proposed resolution is regarding our NIPSCO unjust rate increase; advising that he reached out to State Senator Rodney Pol and that the Council members will be standing behind our City's residents and a copy of this resolution will be provided to the state officials in Indianapolis reading the proposed resolution in its entirety.

**A RESOLUTION STRONGLY OPPOSING RECENT UTILITY RATE INCREASES
AND CALLING ON INDIANA UTILITY REGULATORY COMMISSION
TO REVERSE ITS APPROVAL OF THE SAME**

WHEREAS, on June 26, 2025, the Indiana Utility Regulatory Commission (hereinafter, "IURC") approved a Stipulation and Settlement Agreement in its Cause No. 46120, whereby the Northern Indiana Public Service Company (hereinafter, "NIPSCO") was authorized to generally increase its electric rates, which will result in an estimated increase of 16.75% to the average residential customer's monthly electric service bill; and

WHEREAS, pursuant to the aforementioned Stipulation and Settlement Agreement, the rate increase is expected to be implemented in two phases, with the second phase expected to be implemented in March 2026; and

WHEREAS, within the past two years, the IURC has also approved a Stipulation and Settlement Agreement in its Case No. 45967, through which NIPSCO was authorized to generally increase its natural gas rates, again in two phases, which has resulted in significant increases to the average residential customer's monthly natural gas service bill; and

WHEREAS, recent media reports and actions of local government entities have placed a heightened scrutiny on NIPSCO's routine practice of presenting residents with an aggregated "delivery charge" associated with the provision of electrical and natural gas service, which often constitutes a significant portion of a resident's monthly utility bill but, by its nature, presents challenges to residents with respect to their ability to identify and/or challenge the manner in which the "delivery charge" is calculated and the components of which it is comprised; and

WHEREAS, the electric rates of NIPSCO are among the highest of the utilities mentioned on the website of the IURC; and

WHEREAS, residents of Michigan City are struggling to pay heightened utility bills along with other basic and necessary expenses which continue to increase, and, at a minimum, should not be burdened with an additional rate increase at this time; and

WHEREAS, the recent and drastic increase in monthly utility bills assessed to Michigan City residents creates a destabilizing impact on the local economy by reducing the amount of disposable income available for support of and investment in local businesses, establishments, and services; and

WHEREAS, the recent and drastic increase in monthly utility bills assessed to Michigan City residents further creates a destabilizing impact on the local housing supply, by forcing residents out of their current residences over affordability concerns and an inability to remain compliant with lease or mortgage agreements; and

WHEREAS, the recent and drastic increase in monthly utility bills assessed to Michigan City residents has further resulted in numerous residents being forced to drastically reduce their utility consumption, which creates general health, welfare, and safety concerns by limiting the ability some residents to heat their residences, or find alternative, more dangerous ways of heating their residences, during a winter which has already brought above-average snowfall and below-average temperatures and wind chills to the Michigan City area;

WHEREAS, over sixty percent (60%) of the Michigan City population live below the poverty level;

WHEREAS, the City's annual utility bill will increase by \$160,000 in 2026 due to the increases; and

WHEREAS, the Common Council wishes to create a public record with respect to its sentiments opposing the recent aforementioned rate increases, and calling on the IURC to reverse its approval of the same and engage in heightened scrutiny with respect to the ambiguous, vague, and unsupported "delivery charges" routinely imposed by NIPSCO;

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

1. That the City of Michigan City, Indiana **STRONGLY OPPOSES** the currently-effective and ongoing increases to NIPSCO gas and electric rates, due to the aforementioned adverse impacts that said rate increases are having, and will continue to have, on families struggling to pay existing utility bills in the absence of intervention by the IURC and/or the State administration.
2. That the City of Michigan City, Indiana, further joins with several of its neighboring communities in calling for the IURC to initiate an investigation, which would ultimately require itemization and substantiation of the monthly "delivery charges" imposed by NIPSCO, and further demands that NIPSCO cease its practice of assessing said "delivery charges" until such time as it can provide the requested itemization and substantiation of the validity of the same.

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

Councilman Przybylinski stated that any amendments to reduce the rate hike for NIPSCO was voted down.

Councilman Dr. Kora thanked Councilwoman Moldenhauer for advocating at the State House regarding the rate hike; stating that NIPSCO has the highest rate hike of 26.7% and that we need to ask our state officials to reverse these increases.

President Tillman asked if there were any questions or comments from the public, there was no response.

President Tillman asked if there were any comments from council.

Councilwoman Moldenhauer asked to be added as a sponsor; stating that she was advised that a residence bill of \$1,000 per month which is alarming for residents living on fixed incomes; advising there was a typo of needing to add a dollar sign (\$) before the amount stated.

President Tillman asked if there were any other councilmembers who would like to be added to the resolution; Councilmembers Bietry, Coulter, Lee, Tillman, and Nelson asked to be added.

Councilman Przybylinski stated that the Council, City Administration and the public need to be involved regarding rate increases by attending the public hearings.

Councilman Przybylinski made a motion to approve the proposed resolution, second by Councilman Dr. Kora, the motion carried and the proposed resolution was approved by the following vote: **AYES:** Council members Nelson, Przybylinski, Tillman, Bietry, Coulter, Kora, Lee, and Moldenhauer (8) **NAYS:** Council members None (0)

President Tillman and Councilman Dr. Kora asked for this resolution to be mailed to the Governor, State Senators, Speaker of the House, and State Representatives.

ORDINANCES

Deputy Clerk Pickens read the following proposed ordinance on first reading by title only. **ORDINANCE AUTHORIZING THE CITY OF MICHIGAN CITY, INDIANA TO FUND ITS "TAXABLE ECONOMIC DEVELOPMENT REVENUE NOTE, SERIES 2026" AND APPROVING AND AUTHORIZING OTHER ACTIONS IN RESPECT THERETO**

Introduced by: Tracie Tillman

President Tillman asked Skyler York to address this matter.

Skyler York, Redevelopment Director, stated this is a new project utilizing the Economic Development Commission under Indiana code by requesting a forgivable loan in the amount of Two Million Dollars (\$2,000,000.00) provided by the Redevelopment Commission and will hold no obligation to the city; the Redevelopment Commission will pledge the funds in an agreement with the approval of the Economic Development Commission; advising that the proposed ordinance is required to authorize the loan; introducing the following Matt Rossman, Developer and David Uran, Consultant , Attorney Heather James, and Attorney Tramel Raggs.

President Tillman stated that a full presentation will take place at our next meeting.

Mr. York advised Councilman Dr. Kora that this project will provide a road connecting Cleveland Avenue to Meijers Drive and Timm Road by partnering with a developer the

city will receive the right -of- way without the issues of a bond; the subdivision entitlement process will happen under a review from the City Engineer and once approved it will be brought before the Board of Works for acceptance and dedication of right-of-way.

David Uran, Game Plan Solutions, and Matthew Rossman, Rossman Partners, presented" Tailwind Business Park, Submission to Guidelines for Development Project. **(NOTE: This communication is filed in the Clerk's Office under Council Matters).**

President Tillman asked if there was any questions from the council.

Discussion ensued between Mr. Uran, Came Plan Solutions, Mr. Rossman, Rossman Partners, Mr. York, Redevelopment Director, President Tillman and Councilmembers Bietry, Moldenhauer, Przybylinski regarding the benefits the development will have to our community, the money that is being saved on this project for a new roadway, the installation of sidewalks, curbs and a bus stop, infrastructure collaboration with the Sanitary District, the creation of new jobs, project timeline, asking if there is a guarantee in place that local union labors will be used for this project.

Councilman Dr. Kora asked to be added as a sponsor.

President Tillman asked if there were any questions or comments from the public.

Tommy Kulavik, 1316 Ohio Street, stated he is looking forward to seeing this land being developed.

Wayne Rightsell, 4210 Ohio Street, stated his concerns with the infrastructure development.

President Tillman advised Mr. Rightsell the developer can address his concerns at the next council meeting.

President Tillman stated public comments are now closed.

Mr. York thanked the council members for considering this project by moving the city ahead with quality development.

President Tillman asked if there were any comments from council.

Mr. York advised Councilman Przybylinski the funding for the loan will be coming from the Southside TIF and is not an obligation of taxpayers or the city, the pledge is coming from the Redevelopment Commission.

Councilman Coulter stated he is looking forward to this new development but is concerned that no outreach has been made to the building trades despite the developer indication that local unions would be used as there is currently no Project Labor Agreement (PLA) in place; advising that the council should move forward with a Community Workforce ordinance.

Councilman Bietry asked to be added as a sponsor.

President Tillman asked if the Council had any questions or comments, there was no response; stating that this proposed ordinance will be held over on second reading at the March 3, 2026, Council meeting.

Deputy Clerk Pickens read the following proposed ordinance on second reading by title only. **CREATING SEC. 78-7 IN THE MICHIGAN CITY MUNICIPAL CODE TO DESIGNATE ALL MICHIGAN CITY GOVERNMENT OWNED BUILDINGS & REAL PROPERTY AS SMOKE FREE**

Introduced by: Greg Coulter
Nancy Moldenhauer
Tim Bietry

Daisy Lee

President Tillman asked if the sponsors have any comments.

Councilman Coulter stated a Workshop took place regarding this proposed ordinance and significant amendments have been made.

Attorney Snow stated that this ordinance will mirror the State of Indiana existing smoking ban statute which is defined in Section (A)

(5) Workplace means an enclosed area of a City-owned structure that is a place of employment, regardless of whether City employees are present and conducting City business at that particular time.

(6) Public Place means an enclosed area of a City-owned structure into which the public is invited or permitted.

Advising that with this in place this will cover all enclosed areas of a public buildings not including the golf course or beach.

Councilman Coulter stated this ordinance has been revised removing the beachfront and golf course; and that all city owned vehicles are designated smoke free with the removal of ashtrays; enforcing this ordinance will be by signage posted at city building entrances stating smoking prohibited, and each department is responsible for creating a designated smoking area for their employees; and this ordinance will provide training and guidance for the Human Resource Department.

Councilwoman Moldenhauer stated her concerns with secondhand smoke in the workplace and that this amendment now removes the outdoor public spaces of parks, beach, and golf course; advising the recommendation by the CDC and the American Lung Association is a minimum distance of Twenty-Five (25) feet from entrance ways, windows and air intake vents.

Councilman Bietry stated that limiting smoking in any way is good and that he supports this ordinance.

Councilman Coulter made a motion to amend by substitution, second by Councilman Dr. Kora, the motion carried and the substitution was approved by the following vote: **AYES:** Council members Przybylinski, Tillman, Bietry, Coulter, Kora, Lee, Moldenhauer, and Nelson (8) **NAYS:** Council members None (0)

President Tillman stated the amendment for substitution has been approved.

President Tillman asked if there were any questions or comments from the public.

Tommy Kulavik, 1316 Ohio Street, stated he is confused at how this proposed ordinance went from moving smokers Twenty (20) feet from the building to no smoking on city owned properties.

Kathy Parker, 331 Fir Street, thanked the council for passing this ordinance; stating that there is no data regarding the effects of secondhand smoke in an outdoor area.

Steven Garniki, 5410 Rogowski Avenue, thanking the council members for listening to the public.

John Carington, 140 Esther Street, stated that he is a non-drinker and former smoker. He referred to Greg's announcement regarding the narrowing of the ordinance and noted that the issue began because "somebody in City Hall just smelled cigarettes all day long, "If this is the basis for the proposal, it represents a workplace management matter rather than a public safety crisis and should be handled internally instead of through legislation.

Advising that in 1984 he was struck head-on by a drunk driver traveling the wrong way on a Texas freeway, resulting in a severe head injury and facial fractures. He explained

that following the crash, alcohol affected his vision to the extent that he experienced 20/20 double vision and chose not to drink again, because this experience gave him firsthand understanding of the impact of alcohol impairment, not only on those who drink but on innocent people on the road.

He expressed concern about what he sees as an inconsistency: strong language regarding smoke exposure while supporting expanded public drinking. He pointed to discussion of a DORA-style ordinance allowing open alcohol consumption on public streets and mentioned a September 20, 2024, Facebook post promoting a "ride, sip and vote" brewery crawl encouraging participants to bike between Burn 'Em Brewing, Zorn, the Ritz Klub, and Shoreline Brewery while drinking. Mr. Carington noted his understanding that bicycles are considered vehicles under DUI law and emphasized that alcohol impairs judgment and reaction time whether a person is driving a car or riding a bike. He characterized this as a significant public safety issue and added that alcohol is associated with assault, domestic violence, and disorderly conduct, which he described as serious concerns.

Mr. Carington questioned why public alcohol consumption gets promoted while smoking regulations are being tightened IF safety is the guiding principle. He clarified that he is not defending smoking and that he quit in 2018 but said he is seeking consistency in policy. He urged the Council to withdraw the proposal, review existing policies, and evaluate alcohol and tobacco regulations together rather than separately, asking the Council to consider whether the issue is one of risk or of regulatory convenience.

Tom Donegan, 205 E 11th Street, read the following into record

I, and a lot of people, can't believe you wasted time banning smoking outdoors. There's plenty of other things you need to be concerned about. Here's just a few:

Raise your hand if you know how many people were shot in Michigan City in 2025, or how many were killed.

Raise your hand if you know how many people have been shot in 2026.

Obviously, that should be more important than smoking outdoors.

What's the plan to have a shooting free beach this year? There's at least one shooting a year there. Surely that's more important than smoking outdoors.

On the topic of the beach, ordinances aren't enforced there as it is; weed clouds over the sand, dogs allowed like it's welcomed, drinking from glass bottles and so on. More important than drinking outdoors. More important than smoking outdoors.

How many of you know the vacancy rate for the storefronts along Franklin Street? How about Franklin Street between Barker Avenue and 11th Street? There's more vacant storefronts than open, so that's over half. Downtown and Midtown are the core of Michigan City and they're rotting away. Shouldn't that be more important than smoking outdoors.

How many miles of streets lack sidewalks? There's rarely talk of that important topic.

How's the plan for fixing the homeless/ panhandling/ vagrant problem? You had a workshop a couple of months ago yet there's been no updates here at a council meeting. What happened to the loitering ordinance suggested by Franklin Street business owners? Is that in the trash? What was the Pint In Time Count for Michigan City this year? How does it compare to the past five (5) years? This is more important than smoking outdoors.

What's the average time between a call for a bulk pickup and the time it's actually picked up? How many citations have been written for bulk garbage not called in? Good service is more important than smoking outdoors.

What is the track record for the Redevelopment Commission for residential projects announced and actually getting built? Over the last seven (7) years, it hasn't been good. That's probably more important than smoking outdoors.

Where are you at with the Police and Fire Department Contracts? That's way more important than outdoor smoking.

Let's not forget the Local Income Tax and garbage fees you are supposed to be working on, Where are you at on the that?

If you want to enhance state laws regarding smoking in city properties, go for it. But banning smoking outdoors, that's just a waste of time by this council when there's plenty of more important work you should be doing.

Wayne Righsell, 4210 E. Michigan Blvd., stated concerns with the proposed smoking ordinance and NIPSCO coal plant.

President Tillman stated this will be the last public comment and that for the record were going to be remiss of calling out individual names by only addressing the concern.

Dominque Yanhkee, 904 Willlow Spring Drive, stated the he supports this proposed ordinance for stricter "No Smoking" policy for the city.

President Tillman asked if there were any comments from council.

Councilman Dr. Kora asked to be added as a co-sponsor; and thanked Councilman Coulter for hosting a workshop and making the necessary changes.

Councilman Przybylinski asked to be added as a co-sponsor; and that the public comments was taking into consideration for the changes of this ordinance; along with the complaint regarding secondhand smoke coming into the windows at the city building.

Councilman Przybylinski made a motion to have third reading this evening, seconded by Councilman Dr. Kora.

President Tillman advised there is other councilmembers who have comments.

Councilwoman Lee asked to be added as a co-sponsor.

Councilman Dr. Kora made a motion to approve the amended version on second reading this evening, seconded by Councilman Przybylinski, the motion carried to approve the amended version by the following vote: AYES: Council members, Kora, Lee, Moldenhauer, Nelson, Przybylinski, Tillman, Bietry, and Coulter (8) NAYS: Council members None (0).

Councilman Moldenhauer made a motion to have third reading this evening, seconded by Councilman Dr. Kora, the motion carried to have third reading this evening by the following vote: AYES: Council members, Lee, Moldenhauer, Nelson, Przybylinski, Tillman, Bietry, Coulter and Kora (8) NAYS: Council members None (0)

Deputy Clerk Pickens read the following proposed ordinance on third reading by title only.

MICHIGAN CITY COMMON COUNCIL

ORDINANCE NO. 4792

**CREATING SEC. 78-7 IN THE MICHIGAN CITY MUNICIPAL CODE, TO
DESIGNATE ALL MICHIGAN CITY GOVERNMENT-OWNED BUILDINGS AND
VEHICLES AS SMOKE-FREE**

WHEREAS, the State of Indiana has enacted certain smoking bans and regulations under I.C. 7.1-5-12, including a ban prohibiting smoking within municipal “public places” and “places of employment” (I.C. 7.1-5-12-4(a)(1), I.C. 7.1-5-12-1, and I.C. 7.1-5-12-2) and also prohibiting smoking within eight (8) feet of a public entrance to a municipal “public place” or “place of employment” (see I.C. 7.1-5-12-4(a)(4)); and

WHEREAS, State law also provides that a municipality may adopt more stringent smoking regulations than those set forth in the Indiana Code (see I.C. 7.1-5-12-13(a)); and

WHEREAS, the City recognizes its responsibility to provide a safe and healthy environment for its employees, residents, and visitors; and

WHEREAS, smoking and exposure to secondhand smoke are leading causes of preventable disease, disability, and death, significantly contributing to lung cancer, heart disease, chronic obstructive pulmonary disease, and other health conditions; and

WHEREAS, reducing exposure to smoking and secondhand smoke decreases employee absenteeism, improves overall employee productivity, and lowers long-term health care costs; and

WHEREAS, Michigan City is within La Porte County, Indiana, which has one of the highest tobacco use rates in the state--24.7% of adults smoke in La Porte County, as compared to a state average of 14.5%; and

WHEREAS, evidence shows that nearly 50% of smokers make at least one quit attempt each year, and smoke-free policies are proven to support cessation efforts and reduce relapse; and

WHEREAS, the City finds that a smoke-free workplace and smoke-free environment within municipal buildings will advance the public health and welfare for employees, citizens, and visitors, protect municipal resources, and foster a safer, healthier environment for all who use government facilities;

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

1. Sec. 78-7 is hereby created in Chapter 78 of the Michigan City Municipal Code and shall read as follows:

Sec. 78-7. No Smoking in City Worksites or Public Places, or in City-Owned Vehicles.

(a) **Definitions:**

- (1) *Smoking* is hereby defined as the following:

(a.) I.C. 7.1-5-12-3, as the same may be amended, which states:

- (1). The carrying or holding of a lighted cigarette, cigar, or pipe or any other lighted tobacco smoking equipment; or
- (2). The inhalation or exhalation of smoke from lighted tobacco smoking equipment.

- (b) It shall also include vaping, which means the process of inhalation and exhalation of electronic cigarettes, electronic water pipes, or vaporizers.

- (2) *Electronic Cigarette* means a device that is capable of providing an inhalable dose of nicotine or any other substance intended for human consumption by delivering a vaporized solution that can be used by a person to simulate smoking through inhalation of vapor or aerosol from the device. The term includes the components and cartridges.

- (3) *Electronic Water Pipe* means a device that is capable of providing an inhalable dose of nicotine or any other substance through water intended for human consumption by delivering a vaporized solution that can be used by a person to simulate smoking through inhalation of vapor or aerosol from the device.
 - (4) *Vaporizers* means a device like an electronic cigarette that is used to inhale e-liquid, which is a substance that may or may not contain nicotine and is intended to be vaporized and inhaled using a vapor product.
 - (5) *Workplace* means an enclosed area of a City-owned structure that is a place of employment, regardless of whether City employees are present and conducting City business at that particular time.
 - (6) *Public Place* means an enclosed area of a City-owned structure into which the public is invited or permitted.
- (b). Smoke Free City-Owned Property.
- (1) By virtue of state law (I.C. 7.1-5-12-4(a), and by virtue of this Ordinance, smoking is prohibited in all public places and worksites within the City, as those terms are defined herein.
 - (2) All City-owned buildings are considered to be either public places or worksites for purposes of this Ordinance, and are hereby designated as smoke-free facilities..
 - (3) Smoking is prohibited on City-owned property inside and outside of all public places and worksites, including the adjacent yards, sidewalks, and parking lots, with the exception of designated smoking areas.
- (c). Smoking Prohibited in City Owned Vehicles: Smoking is hereby prohibited in all City-owned vehicles.
- (d). Signage and Notice.
- (1) The City shall clearly and conspicuously post signage including the language, “Smoking in Designated Areas Only,” along with the international “No Smoking” symbol, at the entrances to all City-owned buildings.
 - (2) The City may designate a smoking area adjacent to any public place or worksite. Said designated smoking area shall be situated in a location from which neither actual smoke nor the odor of smoke can enter the public place or worksite. The City shall clearly and conspicuously post signage at all designated smoking areas, which clearly identifies the area as a designated smoking area.
 - (3) All City-owned vehicles shall display at least one sign visible from the exterior stating that smoking is prohibited.
- (e). Removal of Ashtrays. All ashtrays, cigarette receptacles, and similar devices intended to facilitate smoking shall be removed from public places, worksites, and City-owned vehicles. No such receptacles shall be installed or maintained in public places, worksites, or City-owned vehicles following the effective date of this Ordinance, with the exception that receptacles shall be installed and maintained in all areas designated as smoking areas pursuant to Section (d)(2) of this Ordinance.
- (f). Severability.

If any provision of this ordinance is held invalid, such invalidity shall not affect the other provisions, which shall remain in full force and effect.

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

Introduced by: Greg Coulter
Nancy Moldenhauer
Tim Bietry
Daisy Lee

President Tillman asked if the sponsors have any comments, there was no response.

President Tillman asked if there were any questions or comments from the public.

Wayne Rightsell, 4210 E. Michigan Blvd., asked if the public has been made aware of what city buildings this will pertain to.

President Tillman stated this is for comments and that a public workshop has been held regarding the "No Smoking" ordinance.

Tom Donegan, 205 E 11th Street, stated that the public never got to see the proposed changes to the ordinance.

President Tillman stated that public comments are closed.

President Tillman asked if there were any comments from council.

Councilman Przybylinski made a motion to approve the proposed ordinance, second by Councilman Dr. Kora, the motion carried, and the proposed ordinance was approved by the following vote: **AYES:** Council members Moldenhauer, Nelson, Przybylinski, Tillman, Bietry, Coulter, Dr. Kora, and Lee (8) **NAYS:** None (0).

President Tillman stated the ordinance with substitutions has passed.

NEW BUSINESS

President Tillman asked if there was any new business.

Deputy Clerk Pickens stated Mayor Angie is requesting the advice and consent of Michigan City Common Council regarding her re-appointments to the Michigan City Public Art Committee; term beginning immediately and expiring February 28, 2029, for the following members

- **Kathryn Mitschelen**
- **Shannon Eason**
- **Jane Daley**
- **Judy Jacobi**
- **Matt Kubik**
- **Kathy Dennis**

and the advice and consent for her new appointment of Kenneth Smith with his term beginning immediately and expiring February 28, 2029.

Attorney Snow advised President Tillman that the vote will take place tonight as this is a consent to the mayor appointments.

Councilman Przybylinski made a motion to approve Mayor Angie's advice and consent request of the re-appointments of Kathryn Mitschelen, Shannon Eason, Jane Dalet, Judy Jacobi, Matt Kubik, and Kathy Dennis and her new appointment of Kenneth Smith to the Michigan City Public Arts with their term beginning immediately and expiring February 28, 2029, second by Councilman Dr. Kora, the motion carried and was approved by the following vote: **AYES:** Council members Nelson, Przybylinski, Tillman, Bietry, Coulter, Dr. Kora, Lee, and Moldenhauer (8) **NAYS:** Council member None (0).

Deputy Clerk Pickens advised on the Board and Commissions Annual Report to the Council- 2026

- Board of Cemetery Trustees
- Commission for Woman
- Commission on Social Status of African American Males
- Community Enrichment Corporation
- EDC Revolving Loan Fund
- Human Rights Commission
- Promise Scholarship Exception Committee
- Public Art Committee
- Sustainability Commission
- Urban Enterprise Association
- Veterans Commission
- Youth Leadership Commission

Deputy Clerk Pickens advised that the Council has one (1) appointment to the Community Enrichment Corporation – **Incumbent** Jason Kirby term expires March 31, 2026.

UNFINISHED BUSINESS

President Tillman asked if there was any unfinished business.

Deputy Clerk Pickens advised that the council has one (1) appointment to the Michigan City Social Status of African American Males Commission representing the following and expire February 15, 2026

Michigan City Area Schools – Dwayne Hurt (2-year term)

Deputy Clerk Pickens advised that the council has one (1) appointment to the Michigan City Tree Board representing a Neighborhood Association – Incumbent Laura Henderson (Elston Grove Neighborhood Association) Term expires February 15, 2026.

COMMENTS FROM THE PUBLIC

President Tillman asked if there were any other comments from the public.

Jason Kirby, 1600 Columbia Avenue, addressed the council regarding his reappointment to the Enrichment Corporation.

John Carington, 140 Esther Street, stated that he supports the NIPSCO resolution that was passed regarding their recent rate hikes.

Tommy Kulavik, 1316 Ohio Street, wished the council and public a happy Black History month, sending his condolences to the Jackson family; stated there is no Police Officer present and under Section 2-61 it shall be the duty of the Chief of Police or his appointed officer to attend all meetings of the Council upon the request of the presiding officer.

Steven Garnick, 5410 Rowinski Avenue, stated he feels the only sponsors that should be on the NIPSCO Resolution is Moldenhauer and Nelson as they voted against the tax abatement for the data center.

Dominic Yankee, 904 Willow Spring Avenue, stated his concerns with the recent IDEM report regarding the Data Center located at 402 Royal Road.

COMMENTS FROM THE COUNCIL

President Tillman asked if there were any comments from the Council at this time.

Councilman Bietry asked the Clerk's Office when a nomination is on the agenda to include if the incumbent has filled out the application, along with the list of applicants.

President Tillman stated she supports Councilman Bietry request.

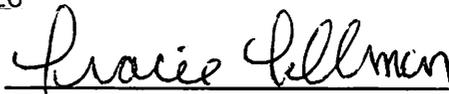
President Tillman asked if the council had any other comments, there was no response.

ADJOURNMENT

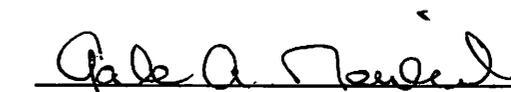
A motion by Councilman Dr. Kora, second by Councilwoman Nelson and there being no further business to transact, President Tillman declared the meeting **ADJOURNED** (approximately 8:30 p.m.)

These minutes are a summary of actions taken at the Michigan City Common Council meetings. The full video archive of the meeting is available for viewing at:

Michigan City Common Council February 17, 2026



Tracie Tillman, President



Gale A. Neulieb, City Clerk