

REGULAR IN PERSON COUNCIL**“HYBRID/ZOOM” MEETING
August 5, 2026**

The Common Council of the City of Michigan City, Indiana, met in Regular session on Wednesday evening, August 5, 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.

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

PRESENT: COUNCIL MEMBERS Tim Bietry (Zoom), Greg Coulter, Bryant Dabney, Dr. Vidya Kora, Daisy Lee, Nancy Moldenhauer Joseph Nelson, Don Przybylinski, and Tracie Tillman (9).

ABSENT: COUNCIL MEMBERS (0)

A QUORUM WAS NOTED PRESENT

ALSO, PRESENT: Council Attorney Jewel Harris, City Clerk Gale Neulieb, and Deputy Clerk Amanda Pickens

APPROVAL OF MINUTES

President Tillman asked if there were any corrections, deletions, or additions to the Regular “Hybrid/Zoom” Council meeting minutes that was held on Tuesday, July 21, 2026.

President Tillman stated the minutes were not provided to the council until this afternoon; advising the council didn’t have time to review the minutes asking to wait this until the August 18, 2026, Council meeting to approve.

President Tillman advised Councilman Przybylinski that the floor was not opened for a motion.

REPORTS OF STANDING COMMITTEES

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

FINANCE REPORT

Councilman Dabney, Chair of the Council's Finance Committee read the following August 5, 2026, minutes for the records.

August 5, 2026, Finance Committee Meeting Minutes

The Finance Committee meeting was called to order by Chairman Bryant Dabney at 6:03 p.m. to review and approve claims since the last meeting. Committee member Councilman Dr. Kora and Councilman Dabney were present. Also, Councilman Coulter, Councilman Pzrbylinski, City Controller Tamiko Smith, Assistant City Controller Ann Shaffer, and Councilwoman Tracie Tillman were all present.

Claims reviewed were \$0.00 from the Riverboat Fund, \$0 from the Boyd Development fund, and \$1,836.39 from the Rainy-Day Fund, for a total claim docket of \$1,836.39. There were no further questions about the docket and the claims. Councilman Dr. Kora moved to recommend approval

of the docket, and with a second from Councilman Dabney the motion was approved unanimously. There were no public comments. Chairman Dabney opened up the meeting to ask if any council members had question concerning any of the ordinances on tonight's council meeting and there were no questions about any of the ordinances or resolutions on the council agenda.

Councilman Przybylinski asked questions about the city unappropriated general fund budget balance, and Controller Tamiko Smith could only give him an estimate of what the final balance would be if there were no additional changes and things worked according to plan. That balance given was \$7,344,675. Finally, on a motion by Councilman Dr. Kora and a second by Councilman Dabney the meeting was adjourned at 6:11 p.m.

The details of claims are as follows:

From the Riverboat Fund:

Total Riverboat Fund Claims - \$0.00

From the Boyd Development Fund: \$0

From the Rainy-Day Fund:

Indiana Public Retirement – 1 payment totaling - \$1,836.39 - Make up retirement payment for non-retired city employees who identified as retired.

Total Rainy-Day Fund Payments: \$1,836.39

TOTAL CLAIM DOCKET - \$1,836.39

August 5, 2026, Riverboat & Rainy-Day Fund – Statement of Cash Position:

Riverboat Fund - \$5,789,664.00

Rainy Day Fund - \$1,099,894.46

TOTAL - \$6,889,558.46

Signature: *Bryant Dabney*

Date: August 6, 2026

Bryant Dabney, MBA
Finance Committee Chair

Councilman Przybylinski made a motion to approve the August 5, 2026, claim docket in the amount of \$1,836.39 second by Councilman Dr. Kora, the motion carried and was approved by the following vote: **AYES:** Council members Dabney, Dr. Kora, Lee, Moldenhauer, Nelson, Przybylinski, Tillman, Bietry, Coulter (9) **NAYS:** Council members None (0)

REPORTS FROM BOARDS AND COMMISSIONS

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

Councilwoman Moldenhauer, liaison to the Sustainability Commission, invited the public to attend the following events; Northwest Indiana Green Drinks scheduled for Thursday, August 6, 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; with the topic: "Will Green Steel Manufacturing Come To Indiana" presented by Gary Advocates for Responsible Development (GARD); and the Beach Clean Up at Washington Park will take place Monday morning at 8:30 a.m. with Shacha Gee Burns.

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

MCPD Assistant Chief Shiparski, thanked the public and Councilmembers for attending the Police National Night Out; and reported on the July 2026 department stats.

Assistant Chief Shiparski advised Councilman Nelson the statistics are based on all the crimes that take place in our community but will try to break the report down by occupants.

Assistant Chief Shiparski advised Councilman Przybylinski, that he will provide him with stats regarding curfew violations; stating that the MCPD midnight command staff have been implementing and enforcing a strict policy.

MCFD Chief Taylor reported on the July 2026 department stats.

Chief Taylor advised Councilman Nelson on the difference between an outside fire and structure fire; and that the nature of the call can be different then what was dispatched when the firefighters arrive on the scene, they will assess the situation and will follow protocol based on the conditions.

Mayor Angie Nelson Deutch addressed the council regarding the following:

- Advised that each council member received a list of the city streets inventory and what the pacer rates for them were to date, along with the sidewalk list that she sent today; explained that most of the streets being paved (CCMG Grant) are on the west side of city, that \$75,000-CDBG funding and \$200,000-ARPA funding have to be reported differently and bid out separately, adding the additional appropriation fund-\$100,000, \$200,000- 2026 budget and an additional \$100,000 appropriated; advising that \$104,000 of the 2026 budgets fund was used for sidewalk on the west side when the CCMG paving was being done.
- Advised the council and residents to report sidewalks that they feel need to be repaired to Tim Werner, City Engineer; advising that September 1, 2026, CCMG grant application start for 2027; adding that a proposed resolution will be forth coming to the council in September for the grant match for the 2027 CCMG project.
- Stated that the 2027 budget meetings will be starting with department heads and that the proposed ordinance/budget will be brought to the council at the September 15, 2026, council meeting.

President Tillman and Councilman Przybylinski thanked Mayor Angie for providing the sidewalk/street list to the council as it break downs streets by wards.

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

PETITIONS

President Tillman asked Clerk Neulieb if there were any petitions.

Petition of Peter Edmund Razma to **VACATE A PORTION OF A PUBLIC ROAD**

(LAKE HILLS ROAD) IN THE CITY OF MICHIGAN CITY LOCATED BETWEEN LORAN ROAD TO THE WEST AND THE BEACHWALK DEVELOPMENT TO THE EAST

Councilman Przybylinski asked Attorney McDonnell to explain the proposed petition/vacation to the council.

Attorney McDonnell, stated he is representing petitioner Peter Edmund Razma, who is asking to vacate an undeveloped portion of Lake Hills Road adjacent to his home at 240 Loran Road and will dead end at the border of the Beachwalk development, advising this proposed petition willow Mr. Razma to expand and improve his home and not be limited to setbacks moving forward; that the city department heads are being required to provide any issues if any regarding what is being proposed.

Attorney McDonnell advised Councilman Daney that this petition/vacating will not need any variances as this will provide RM. Razma with additional property; but if he should need a variance it would go before the Board of Zoning Appeals.

Attorney McDonnell advised Councilman Nelson that this property vacation would be reassessed for property taxes

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

COMMUNICATIONS

President Tillman asked if there were any communications received.

Clerk Neulieb read the following communications:

Correspondence was received in the Clerk's Office on July 30, 2026, from CJ Alexander, regarding false allegations against him.

Correspondence was received in the Clerk's Office on July 28, 2026, from Steve Coyle regarding his concerns with the Google Data Center expansion located at 402 Royal Road.

RESOLUTIONS

Clerk Neulieb read the following proposed resolution by title only.

MICHIGAN CITY COMMON COUNCIL

RESOLUTION NO. 5000

A RESOLUTION OF THE COMMON COUNCIL OF MICHIGAN CITY, INDIANA URGING THAT THE COSTS OF ENHANCED ELECTRIC INFRASTRUCTURE BE BORNE BY THE BENEFITING DEVELOPERS RATHER THAN PASSED ON TO THE RESIDENTIAL OR SMALL BUSINESS UTILITY RATEPAYERS.

WHEREAS, the City of Michigan City is an Indiana Municipal Corporation, governed by its duly elected Mayor and the Michigan City Common Council (hereinafter sometimes referred to as the "Common Council"); and

WHEREAS, reliable and up-to-date electric infrastructure is essential to the economic health, safety, and efficiency of the residents and businesses of Michigan City; and

WHEREAS, significant investments in electric transmission, distribution, substations, and related infrastructure may be required to accommodate new large-scale commercial, industrial, manufacturing, and technological developments in Michigan City; and

WHEREAS, residential constituents of Michigan City such as working families, individuals, and senior citizens, as well as schools, nonprofit organizations, and small businesses are already experiencing increased utility costs which place substantial financial burdens on household and business budgets; and

WHEREAS, the Michigan City Common Council believes that constituents who do not directly benefit from extraordinary infrastructure expansions should not be required to subsidize the cost of infrastructure enhancement through increased utility rates; and

WHEREAS, the Common Council finds that the costs associated with enhanced electric infrastructure necessary to serve any potential new electrical demands should, whenever legally permissible, be borne by the utility company, the developer, or the customer creating the additional demand, rather than by existing residential and small commercial ratepayers; and

WHEREAS, achieving such financial protection for its constituents will require action by Indiana state and federally elected officials, regulatory agencies, and other relevant governmental authorities.

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

1. The Common Council declares its support for policies that protect residential consumers and small business utility ratepayers from bearing the costs of enhanced electric infrastructure constructed primarily to serve new augmented electric loads.
2. The Common Council respectfully urges the Indiana General Assembly to enact legislation requiring that the costs of new electric transmission, distribution, generation interconnections, and other enhanced infrastructure built to accommodate new, increased electrical demands be allocated to the benefiting utility, developer, or end user rather than to existing residential and small-business constituents, except where otherwise required by federal law.
3. The Common Council further urges the Indiana Congressional Delegation and the U.S. Congress to enact federal legislation that supports the equitable cost allocation for electric infrastructure improvements and protects consumers from significant utility rate increases.
4. The Common Council also respectfully requests that the Governor of Indiana, the Indiana Utility Regulatory Commission (IURC), the Indiana Office of the Utility Consumer Counselor (OUCC), and the Federal Energy Regulatory Commission (FERC) adopt or support policies consistent with the principles expressed in this Resolution.
5. Accordingly, the Clerk of the Common Council is respectfully directed to transmit certified copies of this Resolution to: the members of the Indiana General Assembly representing Michigan City, the President Pro Tempore of the Indiana Senate, the Speaker of the House of the Indiana House of Representatives, Indiana's United States Senators, the

Member of Congress representing Michigan City, the Indiana Utility Regulatory Commission (IURC), the Indiana Office of the Utility Consumer Counselor (OUCC), and the Federal Energy Regulatory Commission (FERC).

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

INTRODUCED BY: Dr. Vidya Kora

President Tillman asked if the author had anything to add at this time.

Councilman Dr. Kora stated that he supports artificial intelligent (AI) as it is the leading way in future technologies and economic growth; but the demands for data centers will increase power consumption as currently in the United States we use forty (40) gigawatts and that by 2028 it will be eighty (80) gigawatts of power; NIPSCO has a subsidiary "Genco" that will pass the cost to the business such as data centers; advising the public is being charged for the maintenance of these projects; stating this proposed resolution is asking the state and federal elected officials to introduce and support not passing on the additional fees onto the general public.

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

Savannah Lyles, 7676 Meer Road, stated that she agrees with the proposed resolution as the citizens should not be responsible for paying for the infrastructure of the million-dollar projects; stating her questions and concerns regarding the Google Data Center agreement.

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

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

Councilman Przybylinski asked to be added as a sponsor; advised that during conversations with Phoenix Construction, Water and NIPSCO regarding the Google Data Center it was stated that there would be no issues or increase of the rates to the public.

Councilman Nelson asked to be added as a sponsor and that he agrees with Councilman Przybylinski.

Councilwoman Moldenhauer provided information regarding NIPSCO Genco subsidy; advising that she feels that this has been taken care of through high draw users being part of the new subsidiary (PPA); asking if this will help Hoosiers in the State of Indiana, but that NIPSCO has previously stated what is in place.

Councilman Coulter asked to be added as a sponsor; advising in April "Google" announced their ownership of the Data Center and were added officially to the GenCo's client list.

Councilman Dabney stated he supports this proposed resolution but he hopes in the future that the state and federal should regulate; questioning if the council should put an ordinance in place to make that happen.

Councilman Dr. Kora stated that this proposed resolution is not just for Michigan City that our NIPSCO rates would have gone up even if the data center was not here; that this is asking for our legislators to introduce and pass protection for the residential rate payers.

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

Councilman Dr. Kora made a motion to approve the proposed resolution, second by Councilman Przybylinski, motion carried and the resolution was approved by the following vote: **AYES:** Council members Kora, Lee, Moldenhauer, Nelson, Przybylinski, Tillman, Bietry (Zoom), Coulter, and Dabney (9) **NAYS:** Council members None (0) Clerk Neulieb read the following proposed resolution by title only.

APPROVING AND AUTHORIZING THE 2026 UNION CONTRACT BETWEEN THE MICHIGAN CITY FIREFIGHTERS LOCAL #475 AND THE CITY OF MICHIGAN CITY, INDIANA

INTRODUCED BY: Greg Coulter
Don Przybylinski
Joseph Nelson

President Tillman asked if the author had anything to add at this time.

Councilman Coulter advised that Exhibit "A" of this proposed resolution had not been received to date; making a motion to **TABLE** this until the council meeting on September 1, 2026, second by Councilman Nelson, the motion carried and the proposed resolution was **TABLED** until the council meeting on September 1, 2026 by the following vote: **AYES:** Council members Moldenhauer, Nelson, Przybylinski, Tillman, Bietry (Zoom), Coulter, Dabney, Dr. Kora, and Lee (9) **NAYS:** Council member (0)

President Tillman stated this matter has been **TABLED** until the September 1, 2026, Council meeting.

ORDINANCES

Clerk Neulieb read the following proposed ordinance on first reading by title only.

APPROVING ADDITIONAL APPROPRIATION IN THE BUDGET OF THE TREE VIOLATIONS FUND FOR THE PURCHASE OF MATERIALS FOR THE RESTORATION OF CITY PARKWAYS (a/k/a: CITY TREE LAWNS)

INTRODUCED BY: Nancy Moldenhauer

(DECREASE Account #2249 Unappropriated balance \$30,000.00 **INCREASE** ACCOUNT# 2249.000.439.090 \$30,000.00 Other Services & Charges – Other Contractual Services)

President Tillman asked if any of the sponsors had anything to add at this time.

Councilwoman Moldenhauer asked City Forester Phil Graf to further explain the proposed ordinance.

Phil Graf, Consulting City Forester, stated that this proposed ordinance for the additional appropriation of \$30,000 is to purchase grass, seed, and to contract laborers to restore the parkways that trees have previously been removed; that the Controller's office advised him that there is approximately \$261,000.00 in the "Tree Violation" account; that 350 trees removed were paid through the "US Forest Service Grant" that the city received and that 250 of them that were removed are in parkways or in the front of city residents homes and this would restore the tree line.

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

Tom Donegan, 205 E. 11th Street, stated that there should not be an option to have second and third reading on the same night.

President Tillman reminded the public to make comments pertaining to the ordinance at hand and on the floor.

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

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

Councilman Nelson thanked Mr. Graf and his staff for making our westside neighborhoods look good.

Councilman Dabney explained how an unappropriated balance works, the process and how they can be used for future purchases.

Councilwoman Moldenhauer thanked the Michigan City Tree Board, Wendy Vachet, Public Works Director, and Phil Graf, City Forester, for their hard work with the removal of trees and planting of new trees and native species; and that previously we have had builders that would just remove trees from vacant land within the city and that moving forward the "Tree Violation" account will be used to plant new trees and species in our city when grants are not available; stating that the city has one more year on this grant we received.

Mr. Graf advised Councilman Dr. Kora that a tree inventory took place in 2024 and data was received regarding tree defects, rot, decay or dead trees that helped build the removal of the 350 trees this last year; stating that this list is only trees on city property and it is continually being updated as trees decline; reminding the public that trees on private property must hire a company to come and inspect the condition of their tree.

President Tillman asked if there were any other comments from the council, there was no response; stating the proposed ordinance will be held over on second reading until the August 18, 2026, Council meeting.

Clerk Neulieb read the following proposed ordinance on first reading by title only.

AN ORDINANCE VACATING A PORTION OF A PUBLIC ROAD (LAKE HILLS ROAD) IN THE CITY OF MICHIGAN CITY LOCATED BETWEEN LORAN ROAD TO THE WEST AND THE BEACHWALK DEVELOPMENT TO THE EAST

INTRODUCED BY: Don Przybylinski
Greg Coulter

President Tillman asked if any of the sponsors had anything to add at this time.

Councilman Przybylinski advised that we discussed in detail this proposed ordinance vacating Mr. Razma's property earlier under "petitions" being proposed.

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

President Tillman asked if there were any other comments from the council, there was no response; stating the proposed ordinance will be held over on second reading until the August 18, 2026, Council meeting.

Clerk Neulieb read the following proposed ordinance on second reading by title only.
AMENDING THE SCHEDULE OF RATES AND CHARGES COLLECTED BY THE

CITY OF MICHIGAN CITY, INDIANA FROM THE OWNERS OF PROPERTY SERVED BY THE MICHIGAN CITY SANITARY DISTRICT AND OTHER MATTERS CONNECTED THEREWITH

Introduced by: Don Przybylinski
Bryant Dabney
Greg Coulter

President Tillman asked if any of the sponsors had anything to add at this time.

Councilman Przybylinski and liaison to the Sanitary District, stated there has been a lot of communications and information that has been provided to the public along with addressing any questions; there has been three (3) public workshop's, and that tonight will make two (2) presentation at City Council meetings regarding this proposed ordinance; and that currently the Sanitary District is running at a \$700,000 cash flow deficit and that the district is not in a healthy enough position to be able to issue bonds for any projects that are needing to be done.

Councilman Przybylinski advised that when Mayor Angie took over the Sanitary district was not being properly managed; she put a different management team in charge, and since that has happened with the highlight he liked is that they made a half a million-dollar reduction cut in overtime costs in the last two (2) years and that the management team has their eyes open on the spending of money moving forward.

Councilman Przybylinski explained the (SDC) System Development Charge that is being proposed regarding housing developers or new manufacturer that is coming to our community we will be able to charge them a rate that will be implemented bring revenue into our Sanitary District to do projects that are needed moving forward.

Councilman Przybylinski stated that there are two (2) proposed increases for an average user in this proposed ordinance one for \$8.90 monthly starting September 2026 and the other for \$8.90 starting January 2027 and again in 2028, and that with his in place any new developments will be charged the new rates. Introducing Wendy Vachet, Board of Works Director.

Wendy Vachet, Board of Works Director, presented "AMENDING THE SCHEDULE OF RATES AND CHARGES COLLECTED BY THE CITY OF MICHIGAN CITY, INDIANA FROM THE OWNERS OF PROPERTY SERVED BY THE MICHIGAN CITY SANITARY DISTRICT AND OTHER MATTERS CONNECTED THEREWITH".

NOTE: this presentation if filed in 2026 Council Matters.

President Tillman stated that a "Formal Public Hearing" was held with the Sanitary District and was filed in the Clerk's Office advising this is going to be an "Informal Public Hearing".

President Tillman opened the "Informal Public Hearing" asking (repeating three times) "if there were any one from the public that would like to speak on this proposed ordinance".

Ernie Hollihan 302 Gladys Street, stated that he could understand the rate increase since it has been fourteen (14) years since there was one, that the Sanitary District should have been to the council asking for increase before now; questioning if all the annexations that have been approved over past fourteen years moving forward; what funds will the Sanitary District need to keep up with the development being proposed and keep up with the new and update the old.

Tommy Kulavik, 1316 Ohio Street, commented on the population of our city being 32,000 residents which includes the 2,400 inmates housed at the state prison and how this is going to affect sanitation and water.

Sal Dunlap, 729 E. Michigan Blvd., advised that he understands the problem the city has regarding sewer issues that we have been facing until about two (2) years ago and that he appreciated the presentation that was given this evening.

Paul Przybylinski, 1716 Washington Street, disagreed with Councilman Przybylinski's analysis stating several reasons why; asking what affect would it have to city residents/customers if the prison would shut down; that IT department shouldn't be included in the Sanitary budget; commenting on the proposed Sanitary Rate Increase, workshops that were held but the public not to ask questions, stating that he was advised that the outfall to Trail Creek was conceptional; asking to TABLE this and ask for Riverboat Funds for this increase.

Scott Meland, 200 Kenwood Place (Zoom) – stated that he has been following this rate increase and has attended several workshops and has not seen a good analysis laying out both the problems, the solutions or a path forward, but agreed that this is a reasonable plan to move forward; asking this council support what is being proposed.

Savannah Lyles, 7676 Meer Road, questioned during the presentation this evening that the meter assessment cost currently is around \$50, which is standard with the proposal for a residential home would be to increase that cost to \$250; asking if that assessment comes back and there is a percentage that is off, they will refund that fee.

Wendy Vachet, Public Work Director, stated that they are working on the billing documents and are considering a lot of things as they are moving forward and didn't fully understand Savannah's question; that she will get back with her regarding that issue after she talks to Mr. Johnson from the Water Department.

President Tillman asked if there were any other comments from the public, there was no response and the informal public hearing was closed

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

Ms. Vachet explained to Councilman Dabney and the public that if this proposed rate increase isn't adopted; the cost of not doing this then someone else will do it for us with one of the key aspects of what we have to comply with is our national pollutant along with our rates are in compliance with local, state and federal; explaining the process of the discharge elimination system, NPDES permit which is critical and what the Sanitary District has to follow regarding being in compliance and the requirements; that it may not have been one person fault about where we are, it's everybody's problem now and we want to be in control of our own destiny.

Ms. Vachet addressed Councilman Nelson's concerns regarding the size of meters certain residents have compared to others in the city that have larger meters and what the percentage of the proposed increase is and what the dollar amount that was present this evening about the residents in the next three (3) years.

Councilman Przybylinski stated that he knows the information has been disseminated in great detail, we've taken our time doing this proposal, advising that he is wholeheartedly in support of this proposed ordinance that we need it, that in order to run an operation or a business efficiently we need to approve what is being proposed.

Councilman Dr. Kora stated that initially he had some reservations due residents having an increase in their water bills, then wheel tax and other taxes being increase; advising this evenings presentation by the Sanitary team was very compelling stating several reasons why he will be supporting this ordinance.

Councilwoman Moldenhauer thanked Al Walus and Ms. Vachet for the specificity and degree of explanation; and that she supports raising the rates to protect our asset for our future youth.

Ms. Vachet thanked Mr. Walus for his hard work and dedication.

President Tillman asked if there were any other comments from the council, there was no response; stating the proposed ordinance will be held over on third reading until the August 18, 2026, Council meeting.

Clerk Neulieb read the following proposed ordinance on second reading by title only.
AMENDING SEC. 54-153(2), SEC. 70-103(A), AND SEC. 54-157(D) OF THE MICHIGAN CITY MUNICIPAL CODE TO COMPLY WITH MINIMUM AGE REQUIREMENTS FOR FIRE AND POLICE APPLICANTS AS SET FORTH IN I.C. 36-8-3.5-12(a) AND I.C. 36-8-4.7-5

Introduced by: Daisy Lee

President Tillman asked if any of the authors had anything to add at this time.

Councilwoman Lee stated this proposed ordinance is to comply with state regulations; asked Chief Taylor for further explain.

MCFD Chief Taylor, stated that in July 2023 the state changed the maximum age for applicants to be under the age of forty (40) to be on the eligibility list; and that in August 2023 the city passed Ordinance No. 4695 that made the age limit in line with the state code but that there was a line that stated an applicant would come off the eligibility list on their 36th birthday; so this is correcting the language to 40 years old.

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

Tommy Kulavik, 1316 Ohio Street, stated he would like to have third reading this evening; but still does not feel like moving the age 40 will help when it comes to the physical agility testing.

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

President Tillman asked if there were any comments from the council.

Councilman Nelson made a motion to have third reading this evening, second by Councilman Coulter, the motion carried to have third reading this evening by the following vote: **AYES:** Council members Nelson, Przybylinski, Tillman, Bietry, Coulter, Dabney, Dr. Kora, Lee, and Moldenhauer (9) **NAYS:** Council member (0)

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

MICHIGAN CITY COMMON COUNCIL

ORDINANCE NO. 4808

AMENDING SEC. 54-153(2), SEC. 70-103(A), AND SEC. 54-157(D) OF THE MICHIGAN CITY MUNICIPAL CODE TO COMPLY WITH MINIMUM AGE REQUIREMENTS FOR FIRE AND POLICE APPLICANTS AS SET FORTH IN I.C. 36-8-3.5-12(a) AND I.C. 36-8-4.7-5

WHEREAS, in 2023, the Indiana General Assembly increased the maximum age of fire and police department applicants to under 40 years of age, and more specifically, I.C. 36-8-3.5-12(a)(3) states as follows:

- “(a) Subject to [IC 36-8-4.7](#), to be appointed to the department, an applicant must be:*
(1) a citizen of the United States;
(2) a high school graduate or equivalent; and
(3) at least twenty-one (21) years of age, but under forty (40) years of age.

However, the age requirements do not apply to a person who has been previously employed as a member of the department...

WHEREAS, in 2026, the Indiana General Assembly recently adopted I.C. 36-8-4.7-5, which provides a waiver for police and fire applicants not more than forty (40) years and six (6) months if the applicant served at least twenty (20) years in the military and meets all the other requirements of I.C. 36-8-4.7-5(b), which is fully stated below:

“IC 36-8-4.7-5 Waiver of maximum age for appointment to police or fire department; waiver requirements; 1977 fund membership

Sec. 5. (a) Notwithstanding any contrary law, an appointing authority shall waive any age restriction for a person not more than forty (40) years and six (6) months of age that applies to the appointment and hiring of an individual as:

(1) a member of the police department; or

(2) a member of the fire department;

if the individual meets the requirements of subsection (b).

(b) An individual who meets all the following requirements is entitled to the waiver described in subsection (a):

(1) On the date the individual applies to be appointed and hired as:

(A) a member of the police department; or

(B) a member of the fire department;

the individual is a veteran who has completed at least twenty (20) years of military service.

(2) The individual received or is eligible to receive a discharge from the armed forces of the United States under conditions other than conditions set forth in [IC 10-17-12-8.1\(2\)](#).

(3) The individual meets all other requirements for appointment and hiring as:

(A) a member of the police department; or

(B) a member of the fire department;

including all physical requirements.

(c) An individual who is entitled to the waiver described in subsection (a) is eligible to become a member of the 1977 fund.”

WHEREAS, on August 3, 2023, the City enacted Ordinance #4695 which amended various Michigan City Municipal Code sections to reflect that age of police and fire applicants was increased to the age of under forty (40) years; and

WHEREAS, the need now exists to amend various sections of the Michigan City Municipal Code to incorporate the recent 2026 legislative change regarding the waiver provision of I.C. 36-8-4.7-5 for applicants to both the police and fire departments that are not more than forty (40) years and six (6) months if the applicant served at least twenty (20) years in the military and meets all the other requirements of I.C. 36-8-4.7-5(b); and

WHEREAS, in addition, the Michigan City Fire Department administration has recently discovered another section in the Michigan City Municipal Code that needs to also be amended to increase the maximum age of fire applications to under forty (40) years of age, and more specifically, Sec. 54-157(d) currently states as follows:

“...(d) If an applicant for original appointment reaches his thirty-sixth birthday, his name shall be removed from the eligibility list. Applicants remain on the list for two years from the date of certification. After two years a person may reapply as an applicant;” and

WHEREAS, the need exists to now amend the following sections in the Michigan City Municipal Code:

- A. Section 54-153(2) to recognize the waiver provision set forth in I.C. 36-8-4.7-5 with respect to applicants who served at least twenty (20) years in the military;
- B. Section 70-103(a) to recognize the waiver provision set forth in I.C. 36-8-4.7-5 with respect to applicants who served at least twenty (20) years in the military; and

- C. Sec. 54-157(d) to increase the age of fire applicants to under forty (40) years and recognize the waiver provision set forth in I.C. 36-8-4.7-5.

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

1. The first sentence of Sec. 54-153(2) of the Michigan City Municipal Code should be amended to now read as follows:
An applicant must meet all of the following requirements. The applicant shall be:
 - (2) At least 21 years old at the time of making application and under the age of forty (40) years of age at the time of entrance into the fire department, unless the applicant qualifies for the waiver as set forth in I.C. 36-8-4.7-5,...
2. The first sentence of Section 70-103(a) of the Michigan City Municipal Code should be amended to now read as follows:
 - (a) In order to be eligible for appointment to the police department an applicant must be at least 21 years of age and under the age of forty (40) years, unless the applicant qualifies for the waiver as set forth in I.C. 36-8-4.7-5,...
3. Sec. 54-157(d) of the Michigan City Municipal Code shall be amended to read as follows:
 - (d) If an applicant for original appointment reaches his 40th birthday, and the waiver provisions set forth in I.C. 36-8-4.7-5 do not apply, his/her name shall be removed from the eligibility list. Applicants remain on the list for two years from the date of certification. After two years a person may reapply as an applicant.

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

Introduced by: Daisy Lee

President Tillman asked if any of the author had anything to add at this time, there was no response.

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

President Tillman asked if there were any comments from the council.

Councilman Dabney apologized for his misunderstanding of moving from second to third reading.

Councilwoman Lee made a motion to approve the proposed ordinance, second by Councilman Dr. Kora, the motion carried and the ordinance was approved by the following vote: **AYES:** Council members, Przybylinski, Tillman, Bietry, Coulter, Dabney, Dr. Kora, Lee, Moldenhauer, and Nelson (9) **NAYS:** Council members None (0)

NEW BUSINESS

President Tillman asked if there was any new business.

Clerk Neulieb stated President Tillman is requesting to change the Tuesday, November 3rd, 2026, regular scheduled council meeting at 6:30 p.m. to be held on Wednesday, November 4, 2026 at 6:30 p.m. due to the "Election Day".

Councilman Nelson made a motion to change the date of the regular scheduled meeting date on Tuesday, November 3, 2026 to Wednesday, November 4, 2026, at 6:30 p.m., seconded by Councilman Dr. Kora, the motion carried and approved to have the regular scheduled council meeting to be held on Wednesday, November 4, 2026, by the following vote: **AYES:** Council members, Tillman, Bietry, Coulter, Dabney, Dr. Kora, Lee, Moldenhauer, Nelson, and Przybylinski (9) **NAYS:** Council members None (0)

President Tillman stated that the regular scheduled Council meeting for Tuesday, November 3, 2026, has been approved to schedule it on Wednesday, November 4, 2026, at 6:30 p.m. in the Council Chamber due to the "Election Day".

President Tillman stated **FYI:** The Council has one (1) appointment to the Veterans Commission due to Keith Devereaux resignation on July 30, 2026, term will begin Immediately and expire 12/31/26.

UNFINISHED BUSINESS

President Tillman asked if there was any unfinished business.

Clerk Neulieb advised there was no unfinished business.

COMMENTS FROM THE PUBLIC

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

Tommy Kulavik, 1316 Ohio Street, stated that August 1st was the ten (10) year anniversary of the new police station; stating his concerns about the crimes in our community.

Ernie Hollihan, 302 Gladys Street, thanked the Michigan City Fire Department for doing a great job with the rescue of three (3 cats) from a fire.

Lillian Ruth Antisdell read the following.

My name is Lillian Ruth Antisdell, and I serve as the director of Frid's Cats Shelter. I am not here to comment on the abuse shown in the video involving Animal Control Officer Chad Denham, because I did not witness that incident. I am here to address concerns I have personally observed regarding the treatments and handling of trap-neuter-return (TNR) cats brought to us through Animal Control. TNR is an important community program because it helps reduce the feline population humanely, keeps cats closer to their established colonies, decreases fighting and roaming among male cats, and prevents female cats from repeatedly giving birth outdoors. Female cats can have two, and sometimes three, litters each year. On a daily basis, we received cats about strays and friendly cats. When we explain that callers must contact Animal Control because our shelter does not pick up strays, we are very often told that a male Animal Control Officer said he does not handle cats or that they were told to dump them in the woods somewhere. These reports began before the second Animal Control employee Eric joined the department. While I was interim director, I requested a meeting to address this concern. During that meeting, when I asked Chad whether he was telling residents that Animal Control does not handle cats, Marty Corley responded on his behalf and denied it. I then made a statement about their system of sticking together, as it reflected my concern about accountability, Mr. Corley screamed at me and told Chad that he did not have to deal or work with us. Despite those concerns, animal Control continues to receive our support. We have TNR'd over three hundred (300) city felines since 2025. We have accepted sixty-six (66) cats into the shelter from AC since May of 2025. There has been multiple conversations with Chad who still repeatedly leaves traps outside overnight and unattended. He has brought in traps covered with soaking wet blankets. Although we allow Animal Control to bring in up to sixteen (16) cats for TNR appointments, we typically receive no more than six (6). Chad once brought us a total of three cats, one of which had already been ear-tripped. Frid's Cat Shelter has gone

above and beyond to care for these cats. We allow Animal Control to bring them in that night before surgery and keep them overnight afterward so they can recover safely. Our veterinarian and team are volunteers, and the lack of respect shown toward their time and effort is deeply discouraging. I want to be clear that this is not personal. When I first met Chad, I liked him and had high hopes for Animal Control, but those first impressions have not matched what we have experienced. This concern is about the voiceless animals who depend on us to protect them. I have repeatedly requested a meeting with the mayor, but I have not received one. It appears that the city investigates complaints internally and then finds itself innocent. I love my city, and I am embarrassed by this situation. I have told many residents to contact Animal Control, but I am now hesitant to make that recommendation because of what I have witnessed and what residents have reported to us. I hope this message reached the right people and that action will be taken to address a serious problem in AC.

Ron Miller, 3030 Woodrow Ave., stated that he is in support of the Flock System for our Police Department to help reduce the amount of crime, asking the council to reconsider the proposed ordinance.

Sal Dunlap, 729 E. Michigan Blvd., stated that he agrees with Mr. Miller that the police need to keep the community safe; and that he took the mayor on a tour of Michigan City in hopes to further clean up the city.

Scott Meland, 200 Kenwood Place, stated his concerns with the Flock System, asking if there is a balance with civil liberties and the Flock System.

Johanna Humbert, Executive Director, Michiana Humane Society, advised they partnered with Animal Control to help take care of the stray population in the city and that the biggest concern is the treatment and conditions of the animals; asking if there are funds for Animal Control for veterinary care and training for the Animal Control Officers.

Councilman Przybylinski advised Ms. Humbert that he will be meeting with the Police Department regarding this matter.

Chris Zubitus, 161 Concord Ave, stated that he is representing the firefighters and Michigan City Local 475. Once again, our contract has now been tabled for the second council meeting in a row. As a result, the Michigan City firefighters are still waiting on the two 2% raise that was negotiated, along with other contractual benefits. I have a copy of the contract that was supposed to be exhibit (A). On June 30, 2026, the city's labor team Councilmen Coulter, Nelson and Przybylinski voted to approve this agreement and forward to the council with a recommendation for approval. Members of the Local 475 team, and myself, were present at this meeting. On July 8, 2026, members of Local 475 voted to accept this agreement as well. Tonight, should have been held second and third reading but here we are discussing another delay. That means another month without a contract for firefighters who serve this community every single day. I understand there has been communication regarding the contract between each party's attorney, and if there are legitimate issues that need to be addressed, then let's have those discussions. Let's schedule those meetings, let's work through it. What concerns me is that instead of having those conversations. The response seems to be just ignore it, push it off, and we will just table it. Councilman Coulter described it on social media as easy peasy, we'll just table it. That's awesome. If there's language in this agreement that the city now believes should be negotiated differently, I'll offer the same advice that the city has given us year after year. Accept the agreement in front of you, and if you want to change something, you can negotiate it next time. In February, the city's own labor relation committee suggested at that time we simply memorialize the agreement in a short-term extension and immediately continue negotiating on the remaining issues for 2027. And today, I agree with that approach. Good faith bargaining requires both sides to negotiate. Sometimes, one side compromises more than the other. That's the nature of negotiations. But when an agreement is reached, both sides should honor that agreement. Perhaps this is also an opportunity for the city to examine its own internal processes and maybe they'll realize how we get here today. Because the firefighters have done exactly what was required of us at every step of the way. We

said we wanted to negotiate, we waited. We tried to negotiate, we waited. We met with a federal mediator and then waited. We voted, and we waited. Right now, we are closer to January 1, 2027, than we are of January 1, 2026, and our 2026 contract is still not finalized. I'm not asking for anything new tonight, we are simply asking for the city to honor the agreement that was voted on and agreed upon. Easy peasy, right?

Paul Przybylinski, 1716 Washington Street, stated that is disrespectful that the approved agreement for the firefighters has not been honored; and that he is not opposed to the rate increase for the Sanitary District but suggesting to explore other avenues such as Riverboat fund to help offset the proposed rate increase, as residents are already experiencing financial hardships; asked the council if they have been provided with a plan outlining how the proposed fees and rate increases will be used once the district bonds out, as it will directly impact the homeowners

Stephan Coyle, 123 Oriel Trail, read the following.

Presentation - Data Center Moratorium
Presented at Michigan City Common Council Meeting
Wednesday, August 5, 2026
Stephen Coyle

As I've said before, I'm asking this Council for a temporary data center moratorium – I'm asking for 24 months, or until the City adopts permanent standards, whichever comes first. A pause is not a ban. It is time to write clear rules before Phase 2 decisions get locked in.

Last night the Valparaiso Planning Commission overwhelmingly passed a Moratorium – Indefinitely...I'm just asking for 24 months, or until the City adopts permanent standards.

What the moratorium must cover:

1. **Pause new data center permits** – including improvement location permits and related applications for new data center buildings and major expansions
2. **Pause the incentive track too** – no new or expanded Economic Revitalization Area designations, tax abatements, taxpayer agreements, or similar deals for new data center buildings during the pause. A permit pause with the incentive engine still running is not a real pause.
3. **Make clear that existing tax deals do not approve future buildings** – the current abatement/Taxpayer Agreement does not vest a right to Building 2. Each new building still needs its own City approvals.
4. **Project cleanup and emergency work** – carve out health/safety repairs and work required by IDEM or other regulators so the ordinance cannot be read to block required remediation on a contaminated site.
5. **Cover pending application until a City approval is finally issued** – and a state plan review alone is not a City green light
6. **Require a public workplan while the pause is on** – Planning and City Attorney bring back a standards plan with **public workshops**, and a draft permanent ordinance before the moratorium expires. The pause has to produce rules, not just delay.
7. **Severability** – if one piece is challenged, the rest of the ordinance stays.

I'm asking Council to introduce a moratorium that covers these points – and I'm asking Council members who have already said they are open to a pause to help get it on a future agenda. I'll email this list to the City Clerk so it's in your hands in writing

Tom Donegan 205 E. 11th Street, read the following.

The paper I gave you to look at of the pictures of the trash I pick up once a week in the area around my house from Washington to Spring and Detroit/Green to 11th Street. It's disgusting the amount of trash on our streets.

Here's an idea. As city leaders, you should be sponsoring cleanup days in your wards. Mr. Nelson has an ongoing program in his ward. That's good. Ms. Lee had a cleanup at Striebel Pond. That's good. Ms. Moldenhauer talks about the beach all the time. That's good. But when is the last time you sponsored a cleanup in your ward, or for you at-large members, anywhere in the city? Believe me. It needs to be done.

Here's another idea for you. Pass an ordinance that charges drive through restaurant customers 10 or 25 cents per order then use the money collected to pay the homeless vagrants to pick up trash in town instead of riding around on the free bus all day. Wasn't putting the homeless vagrants to work mentioned at the homeless workshop you had? The amount of trash from restaurants laying on the street is astounding. Speaking of...there was supposedly a meeting with the homeless back in March? Did you get any information about that? Was it in the news? I don't remember seeing anything, especially when the free buses stop running.

Did you hear there was another shooting at BP on Michigan Blvd? The police caught the guy, so that's good. But how many shootings are too many at that gas station? Where's the all-night gas station like Hammond has that you're supposed to be working on?

Has there been any updates regarding noise complaints at short term rentals this year? I haven't heard anything at these meetings, so that workshop must have solved the problem.

Last year you authorized the use of opioid settlement money to be used for grants to organizations in town. Have you been given an update about how that money was used by the organization that received it? And which organizations received money? I don't think I heard about that in the newspaper or on the city's Facebook page. There was supposed to be a press release from the mayor's office.

Portage, Indiana just passed an ordinance that might help them regulate data centers that want to build in Portage. Have any of you looked into their plan? If you haven't guessed, people in Michigan City are not too fond of data centers, and their ordinance might prove useful...for Portage.

Good for thought.

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

COMMENTS FROM THE COUNCIL

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

Attorney Harris, advised Councilman Nelson that there are two (2) conversation going on with the fire union and referring to "light duty" that has been conclude during negotiations but during the final draft we pointed out to the attorney for the union that there was an inclusion in the final draft of the agreement that had not been negotiated. There has been communications with the unions attorney, as he has reached out today but the attorney is in federal mediation so contrary to the comments that we're doing nothing and not trying to communicate or schedule a time to discuss this final agreement exhibit (A) to be finalized and can be brought before the Council as it is one (1) issue to be cleared up so that its accurate for the union members and council are satisfied; and are hoping to finalize this exhibit once we hear back from the unions attorney.

Councilwoman Moldenhauer advised that per Indiana Code municipalities are only required to have two (2) reading on ordinances before a vote can take place, as we currently hold three (3) reading; requesting that when comments are open to the public that they address the resolution or ordinance only by stating I agree with or I disagree because any other comments should be held during the public comments section that is open to speak freely within the guidelines of not defaming an individual character, or stating false information; thanked the public for showing respect to the councilmembers.

Councilman Dabney stated that previously the 1st Ward would hold a property of the month contest in the Eastport Neighborhood and would be granted a \$100.00 gift certificate and that there are community clean up events being held; and that he would like to end the meeting on a positive note and asked all department heads to send him an employee that should be recognized for their hard work and thanked Mr. Ted

Woodard who worked for the Street Department ,Refuses, and Park Maintenance for many years and was always willing to do whatever was asked of him; and thanked Mr. Woodard for his dedication to the city.

Councilman Przybylinski thanked the LaPorte County Visitors Bureau for hosting the boat races and the following city departments for their hard work getting our city ready Street, Vector, and Park Departments; advised that he feels the proposed ordinance for the Flock Raven System needs to be revisited as this is great tool for the Police Department to help protect our community and suggest to hold a public workshop; advised that the City Controller will provide the council with a monthly report of the cash balance in the General Fund and the unappropriated balance; asking the police liaison to take this complaint to the Police Civil Commission to address this complaint.

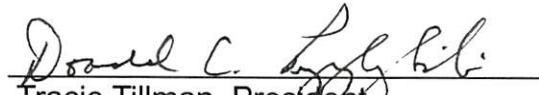
Councilman Coulter stated that are many associations in the 1st Ward that host cleanups that involve picking up garbage; and that easy to get a group together rather than assembling a group; and that Midtown Association involving business owners that would host a cleanup and thanked Mr. Tom Donegan for his hard work with cleaning his neighborhood recommending him for a "Caught You Being Green" Sustainability award.

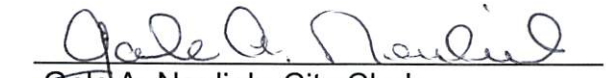
President Tillman asked if the council had any other comments, there was no response.

ADJOURNMENT

A motion by Councilman Dr. Kora, second by Councilman Nelson and there being no further business to transact, President Tillman declared the meeting **ADJOURNED** (approximately 9:05 p.m.)

[Michigan City Common Council August 5, 2026](#)


Tracie Tillman, President


Gale A. Neulieb, City Clerk