

REGULAR IN PERSON COUNCIL**“HYBRID/ZOOM” MEETING
September 1, 2026**

The Common Council of the City of Michigan City, Indiana, met in Regular session on Tuesday evening, September 1, 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, Greg Coulter, Bryant Dabney, Dr. Vidya Kora, Nancy Moldenhauer, Joseph Nelson, Don Przybylinski, and Tracie Tillman (8).

ABSENT: COUNCIL MEMBERS Daisy Lee (1)

A QUORUM WAS NOTED PRESENT

NOTE: President Tillman stated Councilwoman Lee is excused from being absent; advising that roll call from the August 18, 2026, Council meeting should reflect an amendment to the minutes that Councilman Nelson did have an excused absence as she was properly notified.

ALSO, PRESENT: Council Attorney Nick Snow, 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, August 18, 2026.

Councilman Dr. Kora made a motion to approve the Regular “Hybrid/Zoom” Council meeting minutes that was held on Tuesday, August 18, 2026, second by Councilman Bietry, the motion carried and were approved by the following vote: **AYES:** Council members Moldenhauer, Nelson, Przybylinski, Tillman, Bietry, Coulter, Dabney, and Dr. Kora (8) **NAYS:** Council members None (0)

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 September 1, 2026, minutes for the records.

September 1, 2026, Finance Committee Meeting Minutes

The Finance Committee meeting was called to order by Chairman Bryant Dabney at 6:02 p.m. to review and approve claims since the last meeting. Committee member Councilman Dr. Kora, Councilman Bietry, and Councilman Dabney were present. City Controller Tamiko Smith, and Assistant City Controller Ann Shaffer, and City Councilman Coulter were also present.

Claims reviewed were **\$1,086,810.51** from the Riverboat Fund, **\$40,000.00** from the Boyd Development fund, and **\$0.00** from the Rainy-Day Fund, for a total claim docket of **\$1,126,810.51**. Dr. Kora asked about the Motorola payment on the docket, and it was answered by City Controller Tamiko Smith as being the payoff for police department radio equipment. There were no further questions about the docket and the claims after that. City Controller Smith alerted us to table the FLOCK ordinance due to missing the filing deadline now required by the state. The information has been sent, but it was not received in time to proceed with a public hearing. Councilman Bietry moved to recommend approval of the docket, and with a second from Councilman Dr. Kora the motion was approved unanimously. There were no public comments. Chairman Dabney opened up the floor to ask if any council members had questions concerning any of the ordinances on tonight's council meeting and there were no comments or questions. Finally, on a motion by Councilman Dr. Kora and a second by Councilman Bietry the meeting was adjourned at 6:09 p.m.

The details of claims are as follows:

From the Riverboat Fund:

Total Riverboat Fund Claims - \$1,086,810.51 – Motorola Solutions – Current Lease for radio equipment payoff

From the Boyd Development Fund: \$40,000.00 – Pyrotecnico Fireworks Inc.

From the Rainy-Day Fund: \$0.00

TOTAL CLAIM DOCKET - \$1,126,810.51

September 1, 2026, Riverboat & Rainy-Day Fund – Statement of Cash Position:

Riverboat Fund - \$6,703,704.20
Rainy Day Fund - \$1,099,894.46
TOTAL - \$7,803,598.66

Signature: **Bryant Dabney**

Date: **September 1, 2026**

Bryant Dabney, MBA
Finance Committee Chair

Attorney Snow advised there was an amendment made to the September 1, 2026, Riverboat/Boyd Claims Docket adding to the Boyd Development Fund #2504 a claim in the amount of \$40,000.00 to Pyrotechnics Fireworks; amending the total amount of the claims for September 1, 2026, Riverboat/ Boyd Claims Docket \$1,126,810.51 and that the council would need to make a motion to accept the amended claims docket.

Councilman Dabney made a motion to approve the amended September 1, 2026, Claim Docket to the total amount of \$1,126,810.51, second by Councilman Bietry, the motion carried and was approved by the following vote: **AYES:** Council members Nelson, Przybylinski, Tillman, Bietry, Coulter, Dabney, Dr. Kora, and Moldenhauer (8) **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 Northwest Indiana Green Drinks scheduled for Thursday, September 3, 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: "Endangered & Threatened

Species: In Jeopardy/ Two Perspectives” presented by Laurel Izard, local fabric artist, and Susan Kurt, Biology Instructor at Valparaiso University.

Councilwoman Moldenhauer, liaison to the Sustainability Commission, invited the public to attend the free informational workshop about installing solar panels on homes and small business through the NWI Co-Op for discounted equipment and installation, hosted by the Solar United Neighbors of Indiana on Wednesday October 21, 2026, 5:30- 7:30 p.m. located at City Hall; and that the next Indiana Green Drinks is set for Thursday, October 1, 2026, at 6:30 p.m.

Councilman Przybylinski, liaison to the Sanitary District, advised that the Sanitary District received grant money and will be installing stormwater sewer drains on Lady Lane due to flooding that has been taking place and will be completed by the end of October.

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.

Tamiko Smith, City Controller, stated that IC 6-1.1-18-5 requires that the information supporting the additional appropriation including the amount, the affected of fund, the affected account, the time, date and place of a public hearing be submitted to the Local Government Department of Finance through Gateway, and must be submitted fourteen (14) days prior to a public hearing can take place; this was advertised in the Herald Dispatch, but was not submitted to Gateway in a timely manner; stating that the original appropriation was tabled and this was brought as a new appropriation and was not uploaded in time to hold a public hearing tonight and that the fourteen (14) days will expire on September 14, 2026 and can hold a public hearing at the September 15, 2026 Council meeting; advising that the Controller’s office is putting a process in place to prevent this from happening in the future and requested that the additional appropriation for the Flock be tabled tonight.

Attorney Snow advised Councilman Przybylinski that a motion to TABLE the proposed ordinance regarding the flock system additional appropriation in the amount of \$300,000 should be addressed after it is read on first reading tonight.

MCPD Assistant Chief Sharpiski, presented Michigan City Safe City Initiative presentation.

NOTE: Michigan City Safe City Initiative presentation is filed in the Clerk’s office in 2026 Council matters.

Discussion ensued between Asst. Chief Sharpiski, President Tillman, Councilmembers Dabney, Przybylinski, Dr. Kora, Nelson, Coulter, and Moldenhauer thanking Chief Sharpiski for this report: requested to have the policies and repercussion put in the ordinance for accountability and to include the Police Civil Service; that the Council supports the flock system which it has helped with solving several crimes in our community; transparency from the department for the publics input; sharing of information with the federal agencies to only criminal activity; advised that the license plate readers are on 24/7; and that the “hot list” helps officers follow up on recent

investigations by the location of a vehicle identified by their license plate and the policy and procedures require any use of ALPR to have for law enforcement purpose; the department currently does not share information with ICE or Border Patrol but would only assist with criminal activity; Indiana Law requires the data retention period to stay at thirty (30) days; that the federal and state legislators need to have better regulations put in place; and the public can ask questions by calling the Police Department and talk to the administration; and that any officer that misuses the police technology to dishonesty and untruthfulness will be disclosed to the prosecutor "Brady Gigglio" as this attacks the officer credibility to perform their job and if the officer is found to be dishonest and falsify flock records there is not a place for them at the department; and that outside agencies such as ICE and Border Patrol are unregulated and making false arrests.

MCFD Chief Taylor advised he will report on his stats at the September 15, 2026, Council meeting.

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.

Clerk Neulieb read the following petitions received in the Clerk's Office:

Petition **IN OPPOSITION TO VARIANCE APPEAL** received in the Clerk's Office on August 19, 2026, regarding property at Elmwood & Sanders Michiana Shores Sub 10 Lt 7 Blk 8, Reference B-111-26

Petition of Frank & Edward Skwiat American Legion Post 451 to **VACATE A PORTION OF AN ALLEYWAY IN THE CITY OF MICHIGAN CITY LOCATED (BETWEEN LOTS 1 & 2 IN BLOCK 2, AND LOTS 11 & 12 IN BLOCK 2 OF EARL'S ADDITION TO THE CITY OF MICHIGAN CITY**

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 August 25, 2026, from Paul Przybylinski regarding the hearings scheduled for Indiana Utility Regulatory Commission (IURC) regarding NIPSCO

Correspondence was received in the Clerk's Office on August 21, 2026, from Derald Borton – Chair of the Human Rights Commission stating the Commission will not stand for any form of hate speech from any elected official.

Correspondence was received in the Clerk's Office on August 20, 2026, from Stephen Coyle regarding flock cameras, the Sanitary Rate Increase, and the DATA center.

Correspondence was received in the Clerk's Office on August 20, 2026, from Douglas Manley; regarding a notice of procedural defect and memorandum for compliance.

Correspondence was received in the Clerk's Office on August 18, 2026, from John Ryszka a list of Flock Safety Expansion – Source Sheet

Correspondence was received in the Clerk's Office on August 19, 2026, from Mary Miller regarding opposition to building on a corner lot Parcel 46011329001000022.

Correspondence received in the Clerk's Office on August 18, 2026, from Councilman Tim Bietry regarding the absence of both president and vice president assigning Council Przybylinski to fill in, in their absence

RESOLUTIONS

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
Joe Nelson

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

Councilman Coulter stated that Exhibit "A" of this proposed resolution isn't complete to date; making a motion to TABLE it until the October 6, 2026 Council meeting, second by Councilman Przybylinski; the motion carried and was TABLED until the October 6, 2026 Council meeting by the following vote: **AYES:** Council members Przybylinski, Tillman, Bietry, Coulter, Dabney, Dr. Kora, Moldenhauer and Nelson (8) **NAYS:** Council members None (0)

ORDINANCES

President Tillman advised that she will be referring this proposed ordinance to the Council's Planning and Zoning Committee (Chair - Dabney, Members – Moldenhauer and Nelson) to discuss and review this matter.

Clerk Neulieb read the following proposed ordinance on first reading by titled only. **ESTABLISHING AN INDEFINITE TEMPORARY MORATORIUM ON NEW DATA CENTER DEVELOPMENT AND RELATED APPROVALS WITHIN THE CITY OF MICHIGAN CITY, INDIANA, AND DIRECTING A REVIEW OF THE MICHIGAN CITY COMPREHENSIVE ZONING ORDINANCE BY THE PLANNING COMMISSON OF MICHIGAN CITY, FOR PURPOSES OF DEFINING AND REGULATING DATA CENTER DEVELOPMENT**

Introduced by: Nancy Moldenhauer
Joe Nelson
Daisy Lee

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

Councilwoman Moldenhauer stated that this proposed ordinance is on first reading and didn't realize that amendments made by city council members and are expecting more changes after her meeting with the Planning Department next week; advising that according to Municode Sec. 2-57 that an ordinance shall not be amended until it has been read twice.

Councilwoman Moldenhauer advised that she has heard from many residents regarding the council to create a data center development moratorium for Michigan City; and that by bringing this document to the council is evident that city council members have been listening to the publics concerns; pointing out three main points – 1) the need for protection regarding data centers for our residents, pertaining to generators, fuel storage, noise pollution, night sky light pollutions, energy usage, water consumption, plus sewer and drainage impacts. 2) Planning Commission is being requested to update their codes to include data center development after receiving input from our council members and residents via workshops and written submissions. 3) that the timeline is

indefinite and temporary so it doesn't put the Planning Department and Planning Commission in a position to have to complete this within a time period that may not fit within their current responsibilities and priorities; with one other point that's regarding who is responsible for what – our city council, which is our legislative body, oversees policy and finance, our executive which is made up of the mayor and their staff are responsible for carrying out and implementing policies; stating they are ultimately the ones who determine how to actualize projects and programs and encourage both entities to stay in their lane and trust the others will fulfill their duties.

Councilman Nelson stated that he realizes that there are still changes to be made but wanted to thank everybody that contributed to this first proposed ordinance and throughout this process we reach our goals to the final ordinance; thanking Attorney Snow and Councilwoman Moldenhauer for their help moving this forward.

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

The following people made several comments regarding the proposed ordinance – moratorium/data centers within Michigan City: Savannah Lyles -7676 Meer Road, Yahos Poulard – 205 Shadow Trail, Cory Shail – 445 Wilshire Ave., Pat Boy – 218 Southwood Drive, Amy Losinski – 104 Mayfield Drive, Angie Heinzman -207 Leo Ave., Rebecca Blake – 334 Pleasant Ave., Tommy Kulavik – 1316 Ohio Street, Ernie Hollihan – 302 Gladys Street, Stephen Coyle – Long Beach owner – 1612 Maple Street, Ashley Williams – 401 Fir Street, John Carrington – 140 Esther Street, Dominic Edwards – 904 Willow Spring Drive, Debra Shores – 72 Tryon Lane, Bruce De'Medici – President of Michigan City Plan Commission, Paul Przybylinski – 1716 Washington Street, Cheryl Chapman -2923 Submit Drive (Zoom) and Douglas Manley

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

President Tillman asked if the Council had any comments at this time.

Councilman Dabney commented on what was being proposed this evening on first reading and several amendments that were being proposed to this original proposed ordinance; that he would like to see a moratorium that stretches out one year past the data center "Google" is in operation, we then will have real data/facts collected, we will also see how they are as a community partner; advising that right now we don't have any actual data to see or compare to, if down the line another data center wants to come into Michigan City we will have more information/data to see what is actually happening.

Councilman Przybylinski stated that he will support the moratorium on the data centers and would like to see a firm date placed in the document before it is approved; questioning the issues to define what interim temporary means and that he would like the data be given to Plan Commission so they can come back in a year from now and have this ordinance ready to go; proposing a one (1) year moratorium moving forward, get this work done and see what happens so the council can decide if another proposed data center would be good for community or not and that we need to set standards/policies moving forwards

Councilman Dabney stated what he proposed would be longer than one year that this data center won't be completed to start operations until 2027 or possibly 2028; and what he is proposing will bring an amendment by substitution to this proposed ordinance that will give us a chance to collect real data.

Discussion ensued between Councilman Dabney and Councilman Przybylinski regarding what each were proposing regarding the timeframe, data being collected and standards/rules that need addressed before letting another data center development move into our city.

Councilman Coulter asked to be added as a co-sponsor.

Councilman Coulter agrees with Councilman Przybylinski about having a one-year deadline in this proposed ordinance to make sure that if something happens that a developer wants to bring a data center to our city we have regulations, standards, policies in place that this a priority that needs to be completed and approved so we have the data sooner than waiting longer; thanking Representative Pat Boy for her comments, that this isn't an anti-data center legislation, but something to make sure that we have more rules here in Michigan City.

Councilman Przybylinski also asked to be added as a co-sponsor to the proposed ordinance; stating that he understands what Councilman Dabney is saying that he wants to wait a year and half to receive the data from how "Google" is operating, that he isn't concerned how Google is going to operate; that we need to put guardrails in place that messed us up to begin with and we don't need to wait for Google to flip the switch; that we should hire a consultant if need be.

Councilman Dr. Kora thanked Councilwoman Moldenhauer for working with everyone seeking their input; asking also to be added as a co-sponsor; stating that if we as a country want to be number one in the economy world that we need to continue to build on AI so data centers are a big part of it; stating he thinks we need to put the necessary guardrails like former State Representative Pat Boy said, we need rules, we need guardrails that will protect the environment.

President Tillman stated that this proposed ordinance is on first reading; advising that she doesn't want to see happen is who's going to say whose idea this was first, that we understand that everyone is pretty much on the same page as far as what needs to be done for this moratorium and is why she is referring this over to the Council's "Planning and Zoning" committee for their review and recommendations and for the public to make comment.

President Tillman asked if there were any other comments from the council, there was no response; stating that this proposed ordinance will be held over on second reading at the September 15, 2026, council meeting.

President Tillman asked that Councilman Dabney be added as a co-sponsor to the proposed moratorium ordinance.

Councilman Przybylinski called a "Point of Order" questioning if we have to "TABLE" this ordinance; with President Tillman advising Councilman Przybylinski that the discussion were just verbal comments and has been referred to committee for their review and recommendation.

Councilman Przybylinski advised that the public is invited to attend this committee meeting when it is scheduled.

Clerk Neulieb read the following proposed ordinance on first reading by title only. **AN ORDINANCE VACATING A PORTION OF A PORTION OF AN ALLEYWAY IN THE CITY OF MICHIGAN CITY LOCATED BETWEEN LOTS 1 & 2 IN BLOCK 2, AND LOTS 11 & 12 IN BLOCK 2 OF EARL'S ADDITION TO THE CITY OF MICHIGAN CITY**

Introduced by: Don Przybylinski

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

Councilman Przybylinski advised the proposed ordinance is to vacate the alley on the northside of the Skwiat Post American Legion building so they can build a deck and Attorney Chris Willoughby is present to answer any questions the Council may have.

Attorney, Chris Willoughby – Attorney Braje, Nelson and Janes, 126 E. 5th Street, representing Frank & Edward Skwiat American Legion Post 451 and have submitted a petition request to vacate a portion of the alley located in the City of Michigan City between lots 1 & 2 in Block 2, and lots 11 & 12 in Block 2 of Earl's Addition; specifically it is bordered to the west by Washington Street and to the north and south by the building to the south and the parking lot owned by Skwiat Post to the north; advising that the alley traditionally hasn't been used only by his clients with their intention to make some exterior improvements, including a deck which ultimately will improve the area and approve the usability.

Attorney Willoughby stated that he did receive communication from Dave Albers and Tim Werner City Engineer's office requesting a cross easement which a map showing what they are asking was presented to each member at their desk this evening for review; advising that he will be making that amending language to the proposed document by the next Council meeting on September 15, 2026.

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

Tommy Kulavik, 1316 Ohio Street stated that he supports this vacation for the Skwiat Post; asking the city to address the two vacant properties on each side of this building, being the old Carson's Root Beer Stand and on the other side McLeans Car Wash.

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

Councilman Przybylinski asked for the support of his fellow council members to approve this vacation for the Skwiat Post American Legion; stating there is still plenty of public access to that alley to for emergency vehicles to get down if need be

President Tillman asked if there were any other comments from the council, there was no response; stating that the proposed ordinance will be held over to second reading at our September 15, 2026 Council meeting.

The Clerk read the following proposed ordinance on second reading by title only,
APPROVING ADDITIONAL APPROPRIATION IN THE BUDGET OF THE RAINY DAY FUND FOR LIMITED USE OF THE FLOCK CAMERA SYSTEM FOR THE MICHIGAN CITY POLICE DEPARTMENT

Introduced by: Bryant Dabney
 Don Przybylinski
 Dr. Kora
 Greg Coulter

(**DECREASE** Rainy Day Fund #2236 Unappropriated balance \$300,000.00 **INCREASE** ACCOUNT#2235.202.445.050 \$300,000.00 Other Machinery & Equipment- Other Machinery & Equip)

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

Councilman Dabney advised as it was stated earlier by City Controller Smith; since this was not posted to the Indiana State Gateway fourteen (14) days prior to the formal public hearing being posted this council needs to **TABLE** this proposed ordinance until the Council's next meeting on September 15, 2026; making a motion to **TABLE** this proposed ordinance until the September 15, 2026 Council meeting, second by Councilman Nelson; the motion carried to **TALBE** the proposed ordinance until the September 15, 2026 council meeting by the following vote: **AYES:** Council members

Tillman, Bietry, Coulter, Dabney, Dr. Kora, Moldenhauer, Nelson, and Przybylinski (8)
NAYS: Council members None (0)

Attorney Snow advised President Tillman that due this document being TABLED the formal public hearing does not have to be addressed this evening; but will be on the September 15, 2026 council meeting agenda.

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

MICHIGAN CITY COMMON COUNCIL

ORDINANCE NO. 4810
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)

WHEREAS, numerous trees throughout the City have been removed as a result of the federal tree grant the City was previously awarded; and

WHEREAS, the need exists to restore the City parkways/tree lawns with grass seed and straw where said trees have been removed; and

WHEREAS, the City Controller has determined that sufficient unappropriated funds are available in the Tree Violations Fund #2249 to be appropriated for the purpose of purchasing materials, more specifically seed and straw, to restore said City parkways/tree lawns.

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Michigan City, La Porte County, Indiana, that for the expenses of the City the following additional sums of money are hereby appropriated out of the fund named and for the purpose specified above, subject to the laws governing the same:

	<u>AMOUNT REQUESTED</u>	<u>AMOUNT APPROPRIATED</u>
DECREASE Account #2249		
Unappropriated balance	\$30,000.00	
INCREASE ACCOUNT# 2249.000.439.090		\$30,000.00
Other Services & Charges – Other Contractual Services		
TOTAL FOR FUND	\$30,000.00	

This Ordinance to be effective upon passage by the Council, approval by the Mayor, any necessary publication, and any necessary approval by the Indiana Department of Local Government Finance.

INTRODUCED BY: /s/ Nancy Moldenhauer, Member
Michigan City Common Council

Passed by the Common Council of the City of Michigan City, Indiana, this 1st day of September 2026 by a vote of 8 to 0.

/s/ Tracie Tillman, President
Michigan City Common Council

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

Councilwoman Moldenhauer stated that we are simply transferring funds from the tree violation fund so it can be used for seeding city parkways; advising the tree violation funds are collected from violations when individuals cut down trees inappropriately without consulting the City Forester; adding that there are parkways that need to be seeded and covered with hay to all the tree stumps that were removed.

President Tillman stated the formal public hearing was advertised in the Heral Dispatch on August 6, 2026, and the formal public hearing was held at the August 18, 2026, council meeting.

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

President Tillman asked if the Council had any comments at this time.

Councilman Dabney 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 Bietry, Coulter, Dabney, Dr. Kora, Moldenhauer, Nelson, Przybylinski, and Tillman (8) **NAYS:** Council members None (0)

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

MICHIGAN CITY COMMON COUNCIL

Ordinance No. 4811

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

WHEREAS, Peter Edmund Razma, (the "Petitioner") is the owner of certain real estate located within the City of Michigan City, Indiana, commonly known as 240 Loran Road, Michigan City, Indiana, (Parcel No: 46-01-21-458-002.000-022) (the "Property"), more particularly described as follows:

See Exhibit "A" attached hereto and incorporated herein by reference;

WHEREAS, the Petitioner has petitioned the Common Council of the City of Michigan City, Indiana for the vacation of a portion of Lake Hills Road which borders the Property to the North, more particularly shown and described as follows:

See Exhibit "B" attached hereto and incorporated herein by reference;

WHEREAS, the City Clerk for the City of Michigan City, Indiana caused to be mailed on the 29th day of July, 2026, via United States Postal Service, certified mail, return receipt requested, notice of the consideration of its Petition before the Common Council of the City of Michigan City for the vacation to the following abutting property owners of the Property:

Kelly Racek a/k/a Kelly G. Racek
302 Loran Road
Michigan City, Indiana 46360
(Parcel No: 46-01-21-454-002.000-022)

Mailing address:

302 Loran Road
Michigan City, Indiana 46360

WHEREAS, the Clerk for the City of Michigan City has caused notice of the consideration of the Petition before the Common Council of the City of Michigan City for the vacation to be published on the 6th day of August 2026, in the LaPorte County Herald Dispatch, a newspaper of general circulation in LaPorte County, Indiana; and

WHEREAS, the Common Council of the City of Michigan City has conducted a public hearing on the 18th day of August, 2026, with regard to said Petition and the Common Council of the City of Michigan City now finds that it is in the best interests of the City of Michigan City and its citizens that the herein described portion of the public road should be vacated; and

WHEREAS, the Common Council of the City of Michigan City, Indiana, now finds as follows:

- a. That the subject vacation would not hinder the growth or orderly development of Michigan City, Indiana or the neighborhood in which it is located or to which it is contiguous;
- b. That the subject vacation will not make access to the lands of any property owners within Michigan City, Indiana by means of public way difficult or inconvenience;
- c. That the subject vacation will not hinder the public's access to a church, school, or other public building or place; and
- d. That the subject vacation will not hinder the use of a public way by a neighborhood in which it is located or to which it is contiguous; and

WHEREAS, the Petitioner will, if necessary, grant appropriate utility easements acceptable to the City of Michigan City, for the use and benefit of the Michigan City Sanitary District and the Department of Water Works for the City of Michigan City, for any existing facilities that may be located in the portion of the road that is to be vacated.

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

1. The aforementioned WHEREAS sections are set forth herein as if fully incorporated herein.
2. The portion of the public road (Lake Hills Road) located between Loran road to the West and the Beachwalk development to the East is hereby vacated and, pursuant to law, shall vest in the Petitioner and the above-identified abutting property owner.
3. Notwithstanding the vacation of said portion of the subject road, any public utility presently occupying or using all or any part of said street shall not be deprived of said use unless and until said utility waives said rights by filing its written consent to this vacation proceedings or by executing and recording its waiver of said use.
4. This Ordinance to be effective upon passage by the Michigan City Common Council, approval by the Mayor, any necessary publication, any necessary recording, and any necessary approval by the Indiana Department of Local Government Finance.
5. The Clerk of the Michigan City Common Council shall furnish a certified copy of this Ordinance to the LaPorte County Recorder and the LaPorte County Auditor in order that same may be placed of record in the records of the Recorder's Office.

Introduced by: /s/Donald Przybylinski, Member
Michigan City Common Council
Seconded by: /s/Gregory Coulter, Member
Michigan City Common Council

President Tillman stated the formal public hearing was advertised in the Herald Dispatch on August 6, 2026, and was held at the August 18, 2026 Council meeting.

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

Attorney Barry McDonnell, 601 Franklin Street, representing his client Ed Razma stated that the proposed petition is going to vacate a small portion of a dead-end street that is undeveloped on Lake Hills Road that is immediately east of Lauren Road in the Lake Hills second subdivision; stating several reasons Mr. Razma is asking to vacate this property; asking for the Council support.

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

President Tillman asked if the council had any questions or comments.

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

NEW BUSINESS

President Tillman asked if there was any new business.

Clerk Neulieb stated there was no new business.

UNFINISHED BUSINESS

President Tillman asked if there was any unfinished business

Clerk Neulieb stated there was no unfinished business.

COMMENTS FROM THE PUBLIC

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

The following residents stated several concerns regarding the additional appropriation for \$300,000 flock system's proposed ordinance that was on this evening's agenda:

Cory Ander Bullard, 445 Wilshire Avenue, Savannah Lyles, 7676 Meer Rd.,
Johannes Poulard, 205 Shadow Trail, Jason Stratton, 902 Pine Street Patricia
Boy, 218 Southwood Drive, Roger Willoughby, 401 E. 7th Street, and Stephan
Coyle, 1612 Maple Street

Ron Miller, 3033 Woodrow Avenue, stated his support for the Flock Raven System asking the council to approve the proposed ordinance.

Tommy Kulavik, 1316 Ohio Street, thanked Councilman Nelson for hosting a 3rd Ward dumpster day; asking what the date is for the "Waste Not, What Not" bulk trash pickup at the Michigan City Municipal Airport and invited the public to attend the Oktoberfest at Washington Park this weekend.

Mary Miller, 3001 Elmwood Drive, read the following.

I am writing and filing on behalf of 32 neighbors who have signed a petition in opposition to construction on the corner of Elmwood Dr. and Sanders St. This was originally zoning Case B-111-26 which was dismissed by the recent change to the zoning ordinance allowing building on smaller lots with closer parameters.

We are not opposed to responsible development. We are opposed to reducing the required side yard setback and any structure on this undeveloped lot. This is a small, 40 by 109-foot sandy hillside lot located at a narrow and already hazardous corner.

Our primary concern is immediate and permanent public safety. This is not a standard level building lot. There are preexisting safety hazards to traffic and pedestrians. The property is on a blind lower corner lot where traffic turns sharply uphill onto Elmwood Drive. The property is on a narrow 12-foot-wide street that does not allow two cars to pass each other without going off the paved surface.

Allowing any construction will critically obstruct sightlines of drivers creating immediate danger for oncoming motor vehicles, golf carts, pedestrians, elderly on assistive devices, cyclists, children, and visitors navigating the narrow streets of Elmwood and Sanders.

The danger is not hypothetical. Service vehicles already have difficulty taking the corner and bank the turn from Sanders Street onto Elmwood Dr, causing hillside yard damage to the facing property on Elmwood. This is a narrow turn in which the street sign at this corner has been struck and knocked down on multiple occasions. These incidents demonstrate that the corner already presents visibility and maneuvering problems.

The area has become a congested area. This is a small neighborhood covering five narrow blocks with 58 ½ homes. We have seven short-term rentals businesses in the immediate residential area who also need to be kept safe. Visitors who are unfamiliar with these narrow streets depend on clear sightlines and adequate space to navigate safely.

The applicant's desire to build does not justify creating a permanent safety hazard for the neighborhood.

Secondly, this small lot is on a delicate sandy hillside. Reducing it with extensive grading off this hillside will cause sand erosion and potential caving of the adjacent property owner's garage and landscaping of trees. Service vehicles

have difficulty taking the corner and bank the south turn causing hillside yard damage to the facing property on Elmwood. It will also disrupt critical stormwater runoff patterns potentially flooding lower lying adjacent property owner's home. There is a deep ravine at this corner.

These risks would not be limited to the applicant property. The residents above, below, and across from this lot could face the consequences of increased erosion, diverted runoff, and hillside instability.

Before approving any building, the Board should require convincing, site-specific evidence that development will not impair drainage, slope stability, traffic visibility, or neighboring property. Construction on this narrow hillside would likely require substantial grading and alteration of the natural landscaping. Building will also intensify its impact on nearby homes, including effects on privacy, spacing, and the established character of the neighborhood. This lot has limited dimensions, steep sandy terrain, corner location, and proximity to neighboring properties. These conditions support maintaining the existing protection, not weakening it. Tiny homes on small lots will negatively impact our neighborhood character, as one neighbor said, "won't fit in".

A building permit should be based on the applicable legal criteria and supported by substantial evidence. A desire to construct by itself is not a sufficient reason to reduce an established safety buffer. The neighborhood should not be asked to accept greater traffic, safety risk, drainage, erosion, privacy, and property risks merely so that a structure can be built.

For the safety of drivers, pedestrians, cyclists, children and our handicapped residents and visitors also to protect the stability and integrity of this hillside- we respectfully ask the Board to deny the building permit. (withdrawn Case B-111-26 ordinance recently changed)

Please do not exchange a permeant neighborhood safety protection for a private building footprint.

Thank you,
Mary Miller

Ms. Miller advised President Tillman that she did file her petition in the Clerk's Office and it was on tonight's agenda.

Councilman Dabney asked Ms. Miller that he would like to talk to her after the meeting regarding this petition.

Blake Schieber, 1312 Elston Street, thanked the Council for their support placing him on the Veterans' Commission and is looking forward to working with the council.

Jody Slabaugh, 222 W. 9th Street, stated his support for the proposed Data Center Moratorium and that he agrees with Councilman Dabney to have the facts and data collected after "Google" is opened for one (1) year; advising that he supports the law enforcement officers and that there are several new bills coming out at the state level this fall regarding the flock system.

Dave Biela, 3444 Ohio street, read the following.

I am here tonight to speak for the residents of the southwest side of our city- specifically across the 2nd, 3rd, and 4th Wards. This written statement serves as formal documentation and an urgent request for a regulatory investigation.

An old, abandoned railroad base sits embedded on the southwest side of town. Engineering dynamics indicate this base is functioning as a subterranean dam, blocking natural groundwater flow from traveling approximately 51 feet down to its natural terminus at Lake Michigan. Because this blockage acts as an

unpermitted hydrological barrier affecting the Lake Michigan watershed, it triggers federal jurisdiction under the Clean Water Act and federal shoreline management mandates. The Army Corps is now on notice. To the council members representing the 2nd, 3rd, and 4th Wards: I have carried this torch alone for fifty-three years. I am asking you tonight to stand with your constituents. I ask the Council to formally coordinate with the Army Corps of Engineers and request a technical watershed assessment under Section 205 or Section 22 of the Clean Water Act.

As a resident living at 3044 Ohio street, I have witnessed this historical blockage compromise our local watershed for 53 years. It has resulted in a severely elevated water table on the landward side of the obstruction. Because this directly affects the Lake Michigan watershed and shoreline infrastructure, it triggers federal oversight under:

- 1) Clean Water Act Section 404: The artificial blockage causes sustained saturation and unpermitted alterations to regional subsurface waters.
- 2) Shoreline and Bluff Stability: Holding back vast quantities of groundwater 51 feet above the lake level creates a significant hydraulic head differential, severely increasing the risk of structural ground failure, sinkholes and bluff erosion within the coastal zone.

As a resident who has fought this oversight for over five decades, I am formally requesting that the USACE Chicago District:

- Open an official enforcement or investigation file regarding this unpermitted historical blockage.
- Conduct an on-site hydrological assessment or coordinate with the Indiana DNR Lake Michigan Coastal Program to map out the subsurface blockage.

In conclusion, I am requesting that the City of Michigan City and particularly the council members of the 2nd, 3rd, and 4th Wards coordinate with the Army Corps of Engineers and get involved in remediation of this long-ignored situation.

Paul Przybylinski, 1716 Washington Street, stated his concerns with the permitting process from the Planning Department prior to the data center coming before the council; there is flaws in the existing ordinance that should be fixed before moving forward; the council has a responsibility to act proactively and protect the community from potential environmental and economic impacts before any future developments come forth.

Angie Heinzman, 237 Leo Ave., stated her concerns with the Flock Raven System; advising the council to review the county ordinance regarding data centers.

Anatasia Gumms, 222 Springland Ave., stated her concerns with the Google Data Center and the Flock Raven System.

Scott Meland, 200 Kenwood Place, stated his concerns with the Flock Raven System, asking the council to reconsider moving forward with the proposed ordinance.

John Carrington, 140 Esther Street, stated that the proposed ordinance regarding Flock needs to be stronger with the policies and specific penalties for misuse; asked why there was a presentation regarding Flock and the council members were able to ask questions, but the public was not allowed to comment.

Amy Losinski, 104 Mayfield Drive, stated her concerns for the Google Data Center; and her concerns with her FOIA requests.

Jason Stratton, 902 Pine Street, stated to use the money to send the police for a mandatory training course instead of the Flock Raven system.

Dakota Euler, 318 Emma Street, invited the public to attend the Oktoberfest taking place this weekend at Washington Park Beachfront; asked when the 2027 budget workshops will be taking place as many of the neighborhoods needs road striping.

Stephan Coyle, Long Beach, owner of 1612 Maple Street read the following:

The 4th Amendment states:

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

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

COMMENTS FROM THE COUNCIL

President Tillman asked if the Council had any comments Council at this time.

Councilwoman Moldenhauer advised the public that Wednesday, September 2, 2026, the truck traffic for the Google Data Center will be impacted on Warnke Road, Royal Road and Tryon Roads due to the Water Department will be installing a water meter to the data center.

Councilman Dabney stated he would like the moratorium would be up and running for one (1) year, to be able to gather data and information to make the best decisions for our community; Leadership LaPorte County covers the topic on how you should vote; and that he votes on the information that has been provided to him.

Council Dabney recognized Michigan City Area School Teacher Cindy LoGreco, who teaches 3rd grade at Lake Hills Elementary School and recently has been selected as one of the top ten (10) finalists for Indiana Teacher of the Year.

ADJOURNMENT

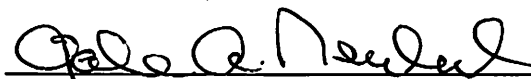
A motion by Councilman Przybylinski, second by Councilman Dr. Kora and there being no further business to transact, Councilman Przybylinski declared the meeting

ADJOURNED (approximately 9:25 p.m.)

Michigan City Common Council September 1, 2026



Tracie Tillman, President



Gale A. Neulieb, City Clerk