

**MINUTES OF THE MEETING
OF THE COMMON COUNCIL
VALPARAISO, INDIANA**

December 13, 2021

The Common Council of the City of Valparaiso, Indiana, met on Monday December 13, 2021 at 6:00 p.m. in City Hall. Councilmember Douglas called the meeting to order. The Pledge of Allegiance was said. Present were Councilmembers Reed, Cotton, Schmidt, Pupillo, Anderson, Costas and Douglas.

MINUTES

Councilmember Reed moved to approve minutes of the November 8, 2021 meeting. Councilmember Schmidt seconded the motion. Upon voice vote the motion to approve passed with a 7-0 vote.

RESOLUTION NO. 16, 2021

A RESOLUTION OF THE VALPARAISO COMMON COUNCIL OF THE CITY OF VALPARAISO, PORTER COUNTY, INDIANA, ADOPTING A FISCAL PLAN FOR THE ANNEXATION OF PROPERTY KNOWN AS THE “COSTAS ANNEXATION”

Councilmember Reed moved that Resolution No. 16, 2021 be read and considered for passage. Councilmember Schmidt seconded the motion. Clerk-Treasurer Taylor read Resolution No. 16, 2021.

Councilmember Costas stated he is recusing himself from Resolution No. 16, 2021 and Ordinance No. 32, 2021. He has a personal interest. Any questions for him should be directed to Attorney Todd Leeth or Attorney Patrick Lyp.

Beth Shrader addressed the Board. Tonight the Council will consider Resolution No. 16, 2021 which is the Fiscal Plan for the Costas Annexation and Ordinance No. 32, 2021 which is the annexation Ordinance.

Attorney Todd Leeth addressed the Council. This is a 27-acre parcel located at the south west corner of Harrison and Yellowstone. The proposed use is a personal home with no further subdividing. There is no zoning change, so this has not been heard by the Plan Commission. Rural zoning is exactly what the UDO requests. Just to the west of this parcel is a parcel which is owned by the City utilities. This parcel is tax neutral because the City owns it. The Fiscal Plan shows \$5,000 to the good. There are not a lot of services that need to be provided.

Beth Shrader addressed the Council and stated her recommendation is to approve.

Councilmember Cotton pointed out there is 100% contiguity.

Councilmember Reed moved to adopt Resolution No. 16, 2021. Councilmember Schmidt seconded the motion. Upon roll call vote the motion passed with a 6-0 vote. Councilmember Costas abstained.

ORDINANCE NO. 32, 2021

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF VALPARAISO, PORTER COUNTY, INDIANA, ANNEXING CERTAIN REAL ESTATE TO THE CITY OF VALPARAISO, INDIANA

Councilmember Reed moved that Ordinance No. 32, 2021 be read a first time and considered on first reading. Councilmember Schmidt seconded the motion. Clerk-Treasurer Taylor read Ordinance No. 32, 2021.

Councilmember Douglas announced Ordinance No. 32, 2021 requires a Public Hearing and stated that at tonight's meeting the Council will hear comments regarding the Annexation of certain real estate to the City of Valparaiso known as the Costas annexation. Seeing no one wishing to address the Council and no written comments received, Councilmember Douglas declared the Public Hearing closed.

Councilmember Reed moved to carry Ordinance No. 32, 2021 to the January 10, 2022 meeting. Councilmember Schmidt seconded the motion. Upon voice vote the motion passed with a 6-0 vote. Councilmember Costas abstained.

ORDINANCE NO. 31, 2021

AMENDMENT OF 2022 SALARY ORDINANCE

Councilmember Reed moved that Ordinance No. 31, 2021 be read a first time and considered on first reading. Councilmember Schmidt seconded the motion. Clerk-Treasurer Taylor read Ordinance No. 31, 2021. Upon roll call vote the motion to hear on first reading passed with a 7-0 vote.

Chief Balon addressed the Council. He explained in the Detective Bureau everyone has the same case load, but they go into the Bureau at different ranks. To compensate for the difference there is a 4% specialty pay difference. This was left off in the Salary Ordinance. Ordinance No. 31, 2021 is fixing a clerical error. The difference is \$1,900.00.

Councilmember Reed moved that Ordinance No. 31, 2021 be considered on first reading. Councilmember Schmidt seconded the motion. Upon roll call vote the motion to adopt on first reading passed with a 7-0 vote.

Councilmember Reed moved to suspend the rules on Ordinance No. 31, 2021. Councilmember Schmidt seconded the motion. Upon roll call vote the motion to suspend the rules passed with a 7-0 vote.

Councilmember Reed moved to adopt Ordinance No. 31, 2021 under suspension of the rules. Councilmember Schmidt seconded the motion. Upon roll call vote the motion to adopt under suspension of the rules passed with 7-0 vote.

REPORTS

Councilmember Cotton discussed the ARP Funds. He would like citizen input or a Council committee to go over uses of funds. Councilmember Douglas replied the City is working on plans to begin public and council input. City Administrator Mike Jessen asked that ideas be brought to him to be included for consideration. Councilmember Cotton stated he would like to make sure the funds are used properly. It would be nice to have further discussion. He asked if this has been published for participation information.

Public Comment

Jessica Jepsen – 1259 Sherwood. She discussed the school board appointment process. There is a form 1957 that is not up to state code. She appreciates the ARP funds earning interest while a plan is being formulated.

The meeting adjourned at 6:25 p.m.

/s/ Holly Taylor, Clerk-Treasurer

ORDINANCE NO.: 32-2021**AN ORDINANCE OF THE COMMON COUNCIL OF THE
CITY OF VALPARAISO, PORTER COUNTY, INDIANA,
ANNEXING CERTAIN REAL ESTATE TO THE CITY OF
VALPARAISO, INDIANA**

WHEREAS, the City of Valparaiso, Porter County, Indiana (“City”), in accordance with Indiana Code 36-4-3-5.1, wishes to annex an area consisting of approximately 34.85 acres located outside of but contiguous to the City, more particularly described on Exhibit A attached hereto and incorporated herein (“Annexed Territory”); and

WHEREAS, in accordance with Indiana Code §36-4-3-5.1(e), on or about December 13, 2021, the Common Council held a duly noticed public hearing regarding the Annexed Territory; and

WHEREAS, the Common Council has determined, in accordance with Indiana Code §36-4-3-5.1, the petition requesting a super voluntary annexation is signed by 100% of the owners of land within the Annexed Territory; and

WHEREAS, in accordance with Indiana Code §36-4-3-1.5, the Common Council has determined that the Annexed Territory is contiguous as at least one-eighth (1/8) of the aggregate external boundaries of the Annexed Territory coincides with the existing boundaries of the City; and

WHEREAS, on or about December 13, 2021, and prior to holding the above-referenced public hearing, in accordance with Indiana Code §36-4-3-3.1 and §36-4-3-12, the Common Council adopted by resolution a written fiscal plan for the Annexed Territory; and

WHEREAS, in compliance with Valparaiso’s Unified Development Ordinance Sec. 1.305, Rural (RU) zoning district shall apply to all land that is annexed into the City, unless and until the City adopts an ordinance changing the zoning of the property; and

WHEREAS, the Common Council finds that the annexation and initial zoning of Rural (RU) of the Annexed Territory pursuant to the terms and conditions of this Ordinance is in the best interest of all owners of land in the Annexed Territory, is fair and equitable, and should be accomplished; and

WHEREAS, the Common Council now desires to annex the Annexed Territory.

NOW, THEREFORE BE IT ORDAINED by the Common Council of the City of Valparaiso, Porter County, Indiana, as follows:

Section 1. Incorporation of Recitals. The foregoing recitals are findings of fact by the Common Council and are incorporated into this Ordinance by reference.

Section 2. Contiguity. The petition requesting super voluntary annexation for the Annexed Territory is signed by 100% of the owners of land within the Annexed Territory and is

contiguous to the City boundaries as at least one-eighth (1/8) of the aggregate external boundaries of the Annexed Territory coincides with the existing boundaries of the City.

Section 3. Annexed Territory. The real estate containing approximately 34.85 acres more or less more particularly described in Exhibit A attached hereto and incorporated herein, is hereby annexed to and declared part of the City of Valparaiso, Porter County, Indiana.

Section 4. Councilmatic District. The Annexed Territory is hereby assigned City Council District No. 3 and shall become a part thereof immediately upon the effective date of this Ordinance.

Section 5. Zoning. Upon the effective date of this Ordinance, the Annexed Territory shall be classified for zoning purposes Rural (RU) District.

Section 6. Effective Date. This Ordinance shall be in full force and effect upon its passage by the Common Council and as provided by Indiana law.

Section 7. Severability. The sections, subsections, paragraphs, sentences, clauses, and phrases of this ordinance are severable, and if any section, subsection, paragraph, sentence, clause or phrase of this Ordinance shall be declared unconstitutional, invalid or unenforceable by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality, invalidity, or unenforceability shall not affect any of the remaining sections, subsections, paragraphs, sentences, clauses, and phrases of this Ordinance.

DULY PASSED AND ADOPTED this 10th day of January, 2022, by the Common Council of the City of Valparaiso, Porter County, Indiana, having been passed by a vote of _____ in favor and _____ opposed.

Matthew R. Murphy, Mayor

ATTEST:

Holly Taylor, Clerk-Treasurer

Presented by me to the Mayor of the City of Valparaiso, Indiana, this _____ day of _____, 2022 at the hour of _____ o'clock p.m.

Holly Taylor, Clerk-Treasurer

EXHIBIT A
LEGAL DESCRIPTION

ALL OF THE EAST HALF OF THE SOUTHWEST QUARTER OF SECTION 14, TOWNSHIP 35 NORTH, RANGE 6 WEST, WHICH LIES SOUTH OF THE PUBLIC HIGHWAY RUNNING FROM VALPARAISO TO CHICAGO AND WHICH LIES NORTH OF THE RIGHT-OF-WAY OF THE GRAND TRUNK RAILROAD.

LESS AND EXCEPT:

THAT PART OF THE EAST HALF OF THE SOUTHWEST QUARTER OF SECTION 14, TOWNSHIP 35 NORTH, RANGE 6 WEST OF THE 2ND PRINCIPAL MERIDIAN IN PORTER COUNTY, INDIANA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

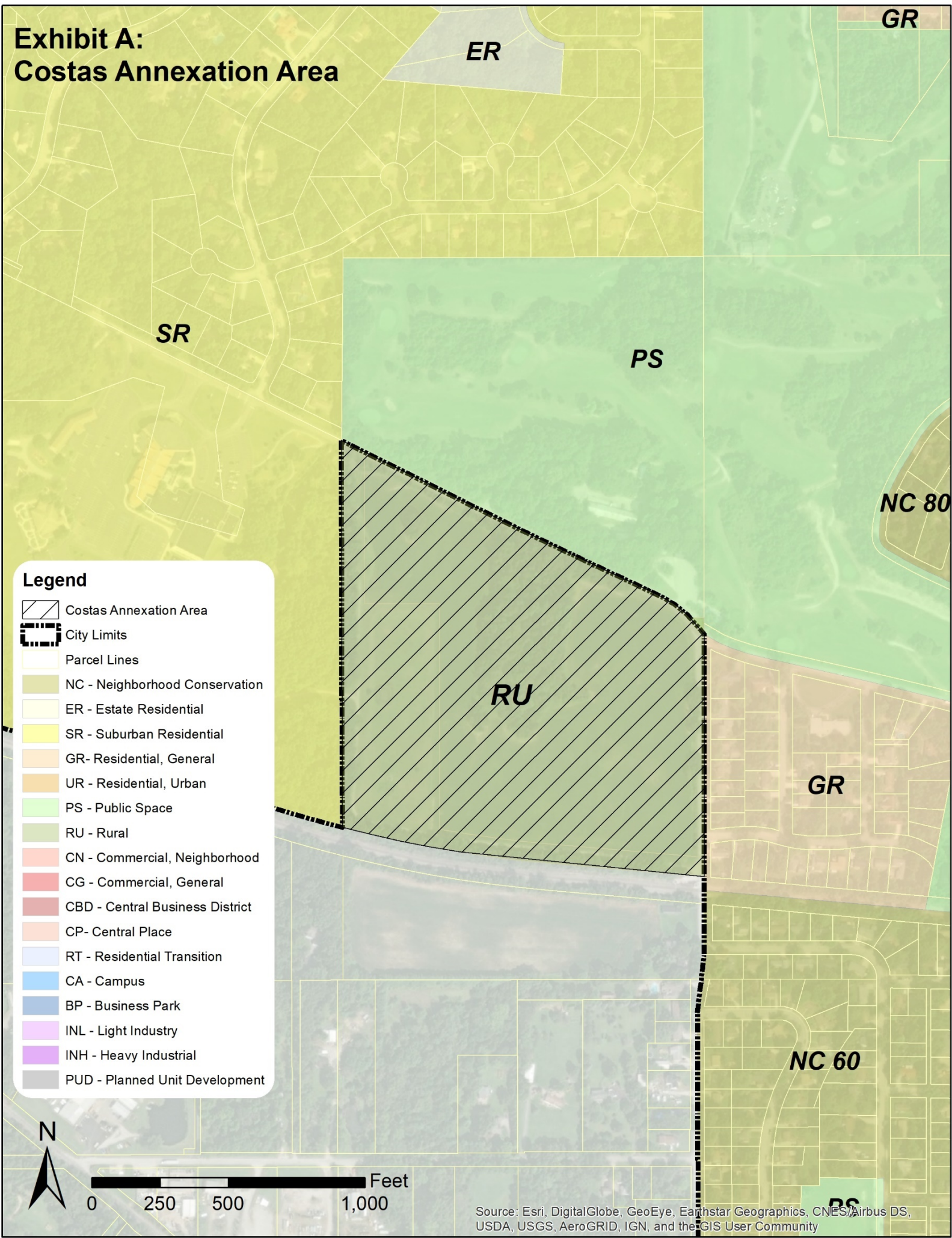
COMMENCING AT THE SOUTHEAST CORNER OF SAID SOUTHWEST QUARTER, THENCE NORTH 00 DEGREES 03 MINUTES 19 SECONDS WEST, (BASIS OF BEARINGS, INDIANA STATE PLANE, NAD 83 WEST ZONE) 376.24 FEET ALONG THE EAST LINE OF SAID SOUTHWEST QUARTER TO THE NORTH RIGHT-OF-WAY LINE OF THE GRAND TRUNK RAILROAD AND THE POINT OF BEGINNING; THENCE NORTH 85 DEGREES 00 MINUTES 31 SECONDS WEST, 565.07 FEET ALONG SAID RIGHT-OF-WAY LINE; THENCE WESTERLY ALONG SAID RIGHT-OF-WAY LINE; 774.70 FEET ALONG A TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 4,724.71 FEET AND A CHORD BEARING NORTH 80 DEGREES 18 MINUTES 41 SECONDS WEST, 773.84 FEET TO THE WEST LINE OF SAID EAST HALF; THENCE NORTH 00 DEGREES 05 MINUTES 46 SECONDS EAST, 1415.19 FEET ALONG SAID EAST LINE TO THE CENTER LINE OF HARRISON BOULEVARD; THENCE SOUTH 63 DEGREES 34 MINUTES 19 SECONDS EAST, 94.84 FEET ALONG SAID CENTER LINE TO A LINE 85 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF THE EAST HALF OF SAID SOUTHWEST QUARTER; THENCE SOUTH 00 DEGREES 05 MINUTES 46 WEST, 557.10 FEET ALONG SAID LINE; THENCE NORTH 89 DEGREES 54 MINUTES 14 SECONDS EAST, 275.00 FEET TO A LINE 360 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF SAID EAST HALF; THENCE SOUTH 00 DEGREES 05 MINUTES 46 SECONDS EAST, 826.94 FEET ALONG SAID LINE TO A LINE 65.00 FEET NORTH OF AND PARALLEL WITH THE NORTH RIGHT-OF-WAY LINE OF SAID GRAND TRUNK RAILROAD; THENCE EASTERLY 412.16 FEET ALONG SAID LINE BEING A NON-TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 4,659.71 FEET AND A CHORD BEARING SOUTH 82 DEGREES 28 MINUTES 29 SECONDS EAST, 412.02 FEET; THENCE SOUTH 85 DEGREES 00 MINUTES 31 SECONDS EAST, 559.33 FEET ALONG SAID LINE TO THE EAST LINE OF SAID SOUTHWEST QUARTER; THENCE SOUTH 00 DEGREES 03 MINUTES 19 SECONDS EAST 65.25 FEET TO THE POINT OF BEGINNING, AND CONTAINING 9.66 ACRES, MORE OR LESS.

AND





















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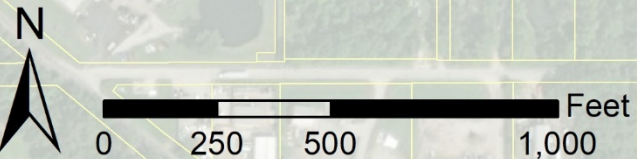
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Exhibit A: Costas Annexation Area



Legend

-  Costas Annexation Area
-  City Limits
-  Parcel Lines
-  NC - Neighborhood Conservation
-  ER - Estate Residential
-  SR - Suburban Residential
-  GR - Residential, General
-  UR - Residential, Urban
-  PS - Public Space
-  RU - Rural
-  CN - Commercial, Neighborhood
-  CG - Commercial, General
-  CBD - Central Business District
-  CP - Central Place
-  RT - Residential Transition
-  CA - Campus
-  BP - Business Park
-  INL - Light Industry
-  INH - Heavy Industrial
-  PUD - Planned Unit Development



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

ORDINANCE #1, 2022

AN ORDINANCE APPROPRIATING FUNDS IN THE ST. PAUL PROJECT EID FUND AND PROVIDING FOR PUBLICATION OF NOTICE

SECTION 1: BE IT ORDAINED, and the Common Council of the City of Valparaiso, Indiana, does hereby make the determination a need exists and that the following amount of money be and the same is hereby appropriated from the St. Paul Project EID Fund for the purpose and use here in after set forth, all for use during the current year of 2022, to-wit:

ST. PAUL PROJECT EID FUND

Other Services & Charges	\$21,782.81
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SECTION 2: The City Clerk-Treasurer is ordered to give ten (10) days' notice by publication in the Times, a daily newspaper published and printed in the City of Valparaiso, Indiana, which notice shall inform taxpayers that they and each of them shall have the right to be heard thereon.

SECTION 3: Hearing for remonstrance and objections by taxpayers provided for in Section 2 hereof shall be and the same is hereby set for the January 24, 2022 meeting of the Common Council of the City of Valparaiso, Indiana, in the City Hall of said City.

SECTION 4: After such hearing held in accordance with such notices as herein provided, said Council shall by Ordinance confirm or disaffirm its said determination.

SECTION 5: This Ordinance shall be in full force and effect from and after its passage in the manner provided by law.

PASSED by the Common Council of the City of Valparaiso, Indiana, by a _____ vote of all members present and voting, this 24th day of January, 2022.

Matthew R. Murphy, Mayor

ATTEST:

Holly Taylor, Clerk-Treasurer

Presented by me to the Mayor of the City of Valparaiso, Indiana, this 24th day of January, 2022 at the hour of _____ o'clock P.M.

Holly Taylor, Clerk-Treasurer

This Ordinance approved and signed by me this 24th day of January, 2022 at the hour of _____ o'clock P. M.

Matthew R. Murphy, Mayor