

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

January 24, 2022

The Common Council of the City of Valparaiso, Indiana, met on Monday January 24, 2022 at 6:00 p.m. in City Hall. Mayor Murphy called the meeting to order. The Pledge of Allegiance was said. Present were Councilmembers Reed, Cotton, Schmidt, Pupillo, Anderson, Costas, and Douglas.

Employee Recognition

Lee Evans started with the City of Valparaiso in 1976. He has been with the City for 46 years. He is the guy on site for water emergencies, water main breaks and anytime the Police Department or Fire Department need assistance on site. He has handled nearly every job in the Department. At this time he is retiring. He has promised to come back to the City parttime, in emergency situations and at the compost site. In honor of his service the Mayor presented him with a picture of the crew taken in 2019 to remind him of what he means to his community. Steve Poulos stated other events that happened in 1976. Lee has survived five Mayoral changes, and seven public works directors. His first check for 80 hours of service was \$383. He is well known throughout the City.

Jeff Balon has been with the City of Valparaiso for 30 years. He was named Chief of Police in 2017. Under his leadership the Department has been re-accredited which is the gold standard of policing. For 30 years he has made public safety his mission. U.S. Senator Todd Young's office presented him with a Certificate honoring this anniversary.

MINUTES

Councilmember Douglas moved to approve minutes of the January 10, 2022 meeting. Councilmember Reed seconded the motion. Upon voice vote the motion to approve passed with a 7-0 vote.

RESOLUTION NO. 1, 2022

A RESOLUTION OF THE VALPARAISO CITY COUNCIL REVOKING RESOLUTION 7-2006, AS AMENDED BY RESOLUTIONS 3-2010, 2-2013, 37-2015 AND 38-2015 CONCERNING THE FAÇADE AND SIGN IMPROVEMENT PROGRAM

Councilmember Douglas moved that Resolution No. 1, 2022 be read and considered for passage. Councilmember Reed seconded the motion. Clerk-Treasurer Taylor read Resolution No. 1, 2022.

Attorney Patrick Lyp addressed the Council. In 2006 the first façade grant was granted. Over the last year staff has been making changes. At their last meeting, the Board of Works adopted a Resolution stating the funding for the façade grant program will come from the Redevelopment Commission instead of the City.

Councilmember Cotton questioned the procedure. Attorney Lyp explained it will essentially be the same. Staff will still review. How the money can be spent will essentially be the same. Once staff has reviewed, it will be approved by the Board of Works. Councilmember Cotton asked if this was a necessity or is this a matter of preference.

Beth Shrader explained changes were made to streamline the process. This is a grant and grants typically are approved by the Board of Works. This seems like the more appropriate path for a new streamlined version.

Councilmember Cotton stated he likes the broader input versus the narrower channel that exists. The Board of Works is only three members. This has not been a burden to the Council. He would like to see it revert to the Council.

Councilmember Douglas moved to adopt Resolution No. 1, 2022. Councilmember Reed seconded the motion. Upon roll call vote the motion to adopt passed with a 6-1 vote. Councilmember Cotton voted No.

RESOLUTION NO. 2, 2022

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF VALPARAISO, INDIANA, REVOKING RESOLUTION NO. 7-2021 CONCERNING THE ISSUANCE OF A DOWNTOWN ALCOHOLIC BEVERAGE PERMIT PURSUANT TO I.C. 7.1-3-20-16(G)

Councilmember Douglas moved that Resolution No. 2, 2022 be read and considered for passage. Councilmember Reed seconded the motion. Clerk-Treasurer Taylor read Resolution No. 2, 2022.

Attorney Patrick Lyp addressed the Council. LeBon signed Written Commitments on May 10, 2021 with the City of Valparaiso. These were in conjunction with the issuance of a Downtown Liquor License. Since that time, they have not met any of the Commitments. Attorney Lyp met with the restaurant owner in December. At that time, he relayed he is not sure if he can meet the requirements and to date has not. The property owner is aware of this situation. Resolution No. 2, 2022 revokes that Downtown Liquor License. Attorney Lyp is going to review and revise the process for granting the Downtown Liquor License Permits.

Councilmember Pupillo stated his disappointment with this situation. He hopes a replacement is found soon.

Councilmember Costas stated he is happy to see the streamlining for future requests.

Councilmember Schmidt expressed his disappointment. He asked if the property owner will still do the remodeling. And does the property owner still have the Façade Grant. Attorney Lyp replied the façade grant is still pending. He is not sure of the property owner's intent. The inside is gutted. It might not be a restaurant.

Councilmember Cotton expressed his disappointment. He discussed that the property owner could have asked for and received the façade grant without the restaurant being a part of the project. Attorney Lyp stated nothing has been revoked. When new plans are prepared, they will be submitted to Beth Shrader and see if they still meet the requirements for a grant.

Councilmember Douglas moved to adopt Resolution No. 2, 2022. Councilmember Reed seconded the motion. Upon roll call vote the motion to adopt passed with a 7-0 vote.

ORDINANCE NO. 1, 2022

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

Councilmember Douglas moved that Ordinance No. 1, 2022 be read a second time by title and a third time in full and be considered for adoption and the opportunity be given for the offering of amendments. Councilmember Reed seconded the motion. Clerk-Treasurer Taylor read the Ordinance.

Attorney Patrick Lyp addressed the Council. The St. Paul Project has three buildings occupied. Over the next ten years economic development fees that the property owners pay go back to offset public improvement expenses incurred by the Developer. The City has collected \$21,782.81.

Mayor Murphy announced that Ordinance No. 1, 2022 requires a Public Hearing and presented Proof of Publication that at tonight's meeting the Council will consider the appropriation of \$21,782.81 for the St. Paul Project EID Fund. Seeing no one wishing to address the Council, he declared the Public Hearing closed.

Councilmember Douglas moved to adopt Ordinance No. 1, 2022. Councilmember Reed seconded the motion. Upon roll call vote the motion passed with a 7-0 vote.

ORDINANCE NO. 2, 2022

AN ORDINANCE APPROPRIATING FUNDS IN THE FIREFIGHTING FUND AND PROVIDING FOR THE PUBLICATION OF NOTICE

Councilmember Douglas moved that Ordinance No. 2, 2022 be read a first time and considered on first reading. Councilmember Reed seconded the motion. Clerk-Treasurer Taylor read Ordinance No. 2, 2022.

Chief Dutz addressed the Council. This is an annual appropriation. Funds will be used to pay the inspectors. Funding comes from the \$50,000 payment from Valparaiso University.

Councilmember Cotton asked if this depletes the Fund. Chief Dutz replied it does not.

Councilmember Douglas asked if the VU payment is still \$50,000 for five years. Chief Dutz replied that is correct.

In reply to Mayor Murphy's question, Chief Dutz said they do have a lot of calls to Valparaiso University when school is in session.

Councilmember Douglas moved to carry Ordinance No. 2, 2022 to the February 14, 2022 meeting. Councilmember Reed seconded the motion. Upon voice vote the motion passed with a 6-0 vote.

REPORTS

Mayor Murphy discussed the ARP Funds. The City will receive \$7.6 Million Dollars. Last year an Ordinance was adopted which created a special account to hold the funds as they are received. This is a Federal program. It was his decision to wait until all the rules were established for disbursement of the funds. January 13th those rules were announced. With Council approval, a portion of the funds will be used to acknowledge City employees. Especially the Police and Fire and first responders who have engaged with the public and put their personal health at risk throughout this pandemic. In addition, it is his suggestion that the City focus on two groups – Youth and Seniors. He and the Council have received many suggestions. He wants to make sure everyone has a chance to voice their opinion. The City web page has a portal that will be open until February 18th. This is where residents of Valparaiso can state their ideas and thoughts about where the funds received should be spent.

Councilmember Cotton stated this money is for the groups most adversely impacted. They must engage in the process to be fair for the intended target. He asked if this will be dictated or will there be input? He feels the City is doing a disservice to the Plan.

Councilmember Reed stated she wants to make sure the needs of all are heard. She is looking forward to moving forward.

Councilmember Reed stated at the last School Board meeting there was an extensive list of people who made donations to the school corporation. She expressed her gratitude to those people.

Councilmember Douglas announced the Park Board meets tomorrow night. He is looking forward to ARP discussions.

Councilmember Costas thanked Councilmember Douglas for his years of service on the Redevelopment Commission. He went on to discuss the RDC's newest project – Linc. The RDC will be working with a good developer on a project at the corner of Lincolnway and Morgan. This is the present site of Round the Clock Restaurant. They are following the Housing Study guidelines.

Mayor Murphy also extended his thanks to Councilmember Douglas for his work on the Redevelopment Commission.

Councilmember Cotton asked that decisions on the spending of the ARP money be nonpartisan. He also asked that a committee be formed to go through the ideas. He would like to develop the plan not just approve the plan.

Mayor Murphy replied the Council is the committee. They will vote and approve the American Rescue Fund. They will take comments from residents until February 18th. Some communities need the OCRA plan. He does not feel the City of Valparaiso needs that. They will come up with a great plan.

Councilmember Schmidt stated the City has proven they are transparent and always has openness. He likes the process as it is set out.

Councilmember Cotton stated he is not seeing the issues he is seeing. This is a unique situation that deserves engagement. The City needs to engage with various sectors of the community. This process demonstrates a lack of inclusiveness.

Councilmember Costas asked how the process as set out cannot be considered inclusive when anyone can voice their opinion.

Councilmember Cotton asked if he has read OCRA? He further pointed out parts of the OCRA plan and stated what Valparaiso has done in the past is not like anything else. This process is not inclusive.

Councilmember Reed asked about the dates. Attorney Lyp replied the funds need to be allocated by March of 2024 and spent by March of 2026. There is time to put together a plan.

Public Comment

Walt Breitingner - Park Avenue. He wants to make sure youth are given an opportunity to express their goals regarding the ARP Funds, especially with water and water quality.

Jessica Jepsen – 1259 Sherwood. Streamlining is good. Getting kids involved is good. A month and one-half ago she asked Councilmember Cotton for a list of what entities in Valparaiso need help. She still has not received an answer. She has reached out to five non-profits. Two of them are in Councilmember Cotton's district. They all stated no one has reached out to them regarding needing help. She will be telling people to go to the portal on the City's web page.

Councilmember Cotton replied there are too many to enumerate. He has touched base with the United Way. He wants to see a democratic process come to light. Finally, the City can stop saying there is no room at the Inn. The City will be able to help places they could not before. He wants an inclusive process.

Councilmember Reed asked about keeping the portal open longer. Mayor Murphy stated he is open to that. Councilmember Schmidt added he would like to review what has come in by the 18th.

Ellen Kapitan – 108 Washington. She thanked the Council for streaming the meetings online. Her questions regarding ARP money have been answered. She wants to see continued transparency.

The meeting adjourned at 6:57 p.m.

/s/ Holly Taylor, Clerk-Treasurer

RESOLUTION #3, 2022

A RESOLUTION TRANSFERRING FUNDS TO THE RAINY DAY FUND

WHEREAS IC 36-1-8-5.1 states allows political subdivisions to establish a Rainy Day Fund and transfer funds into same, and

WHEREAS the General Fund of the City of Valparaiso has unspent appropriations for the year of 2021 in an amount exceeding one million one hundred thousand dollars (\$1,100,000), and

NOW THEREFORE BE IT RESOLVED that the Common Council of the City of Valparaiso approves the transfer of one hundred thousand dollars (\$100,000) from the General Fund to the Rainy Day Fund.

Adopted this _____ day of _____, 2022 by a vote of all members present and voting.

Diana Reed

Robert Cotton

Casey Schmidt

Jack Pupillo

Peter Anderson

George Douglas

Evan Costas

Matthew R. Murphy, Mayor

ATTEST:

Holly Taylor, Clerk-Treasurer

RESOLUTION #4, 2022

A RESOLUTION AUTHORIZING THE CLERK-TREASURER OF THE CITY OF VALPARAISO TO MAKE TEMPORARY LOANS TO TAX SUPPORTED FUNDS FROM THE RAINY DAY FUND

WHEREAS certain funds of the City of Valparaiso, namely the General Fund, the Motor Vehicle Highway Fund, the Park and Recreation Fund, the Cumulative Capital Development Fund, the Corporation Bond and Interest Fund, the Park Bond & Interest Fund and the Valparaiso Fire Territory fund depend largely on the collection of Property taxes by Porter County, and

WHEREAS, from time to time said funds may experience a cash flow problem in anticipation of taxes to be received, and,

WHEREAS, the City of Valparaiso has an unobligated balance in the Rainy Day Fund,

NOW IT BE RESOLVED the Common Council of the City of Valparaiso hereby authorizes the Clerk-Treasurer of the City of make such loans from the Rainy-Day Fund to the tax supported funds in amounts needed to fulfill the obligations of the city during the fiscal year 2022, said loans to be repaid by the end of the fiscal year 2022.

Adopted this _____ day of _____, 2022 by a _____ vote of all members present and voting.

Diana Reed

Robert Cotton

Casey Schmidt

Jack Pupillo

Peter Anderson

George Douglas

Evan Costas

Matthew R. Murphy, Mayor

ATTEST:

Holly Taylor, Clerk-Treasurer

RESOLUTION NO. 05, 2022**A Resolution of the Common Council of the City of Valparaiso in Support of the Valparaiso Community Schools Operating Referendum**

WHEREAS, the voters of Valparaiso – Center Township overwhelmingly supported the Valparaiso Community Schools operating referendum in May of 2015; and

WHEREAS, the Common Council of the City of Valparaiso passed Resolution NO. 8 – 2015 encouraging community support of the operating referendum; and

WHEREAS, the Board of Trustees of the Valparaiso Community Schools has determined there to be a need to seek voter approval to renew, at a reduced rate, a school operating referendum; and

WHEREAS, the operating referendum replaces state funding lost by the Valparaiso Community Schools and provides a level of funding necessary to adequately staff and maintain Valparaiso schools; and

WHEREAS, the 2022 operating referendum provides funding for managing class sizes and essential health & safety initiatives, retaining teachers and staff, academic and educational related programs, and will decrease maximum operating referendum tax levy fund rate from \$0.2042 to \$0.1495 per \$100 of assessed valuation; and

WHEREAS, a preeminent public school system enhances property values and advances the quality of life of all citizens; and

WHEREAS, Valparaiso Community Schools students are the future of our community and deserve the availability of a 21st Century education.

THEREFORE, IT IS HEREBY RESOLVED by the Common Council of the City of Valparaiso that the voters of Valparaiso – Center Township are encouraged to cast ballots in favor of the operating referendum up the upcoming May 3, 2022 primary.

ALL OF WHICH HAVING BEEN RESOLVED by the Common Council of the City of Valparaiso on this the 14th day of February, 2022.

Diana Reed

Robert Cotton

Casey Schmidt

Jack Pupillo

Peter Anderson

Evan Costas

George Douglas

ATTEST:

Holly Taylor, Clerk-Treasurer

ORDINANCE #2, 2022

AN ORDINANCE APPROPRIATING FUNDS IN THE FIREFIGHTING 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 Firefighting Fund for the purpose and use here in after set forth, all for use during the current year of 2022, to-wit:

FIREFIGHTING FUND	
Personal Services	\$ 70,000
Supplies	\$ 10,000
Other Services & Charges	\$ 25,000
Machinery & Equipment	\$ 65,000

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 February 14, 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 _____ day of February, 2022.

Matthew R. Murphy, Mayor

ATTEST:

Holly Taylor, Clerk-Treasurer

Presented by me to the Mayor of the City of Valparaiso, Indiana, this _____ day of February, 2022 at the hour of _____ P.M.

Holly Taylor, Clerk-Treasurer

This Ordinance approved and signed by me this _____ day of January, 2021 at the hour of _____ o'clock P. M.

Matthew R. Murphy, Mayor

ORDINANCE #3, 2022

AN ORDINANCE APPROPRIATING FUNDS IN THE CAPITAL EQUIPMENT 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 Capital Equipment Fund for the purpose and use here in after set forth, all for use during the current year of 2022, to-wit:

CAPITAL EQUIPMENT FUND

Equipment	\$400,000.00
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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 February 28, 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 28th day of February, 2022.

Matthew R. Murphy, Mayor

ATTEST:

Holly Taylor, Clerk-Treasurer

Presented by me to the Mayor of the City of Valparaiso, Indiana, this 28th day of February, 2022 at the hour of _____ o'clock P.M.

Holly Taylor, Clerk-Treasurer

This Ordinance approved and signed by me this 24th day of February, 2021 at the hour of _____ o'clock P. M.

Matthew R. Murphy, Mayor

ORDINANCE #4, 2022

AN ORDINANCE APPROPRIATING FUNDS IN THE UNSAFE BUILDING 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 Unsafe Building Fund for the purpose and use here in after set forth, all for use during the current year of 2022, to-wit:

UNSAFE BUILDING FUND

Other Services & Charges	\$ 100,000.00
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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 February 28th, 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 _____ day of _____, 2022.

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

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

Matthew R. Murphy, Mayor

ORDINANCE NO. 5, 2022**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY
OF VALPARAISO, INDIANA, ESTABLISHING
THE CITY OF VALPARAISO REDEVELOPMENT AUTHORITY**

WHEREAS, IC § 36-7-14.5 (the “Act”) authorizes the Common Council of the City of Valparaiso, Indiana (the “Common Council”), to create a redevelopment authority controlled by a board of directors consisting of three (3) members; and

WHEREAS, in order to pursue the public purposes of the Act, the Common Council now desires to establish the City of Valparaiso Redevelopment Authority.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF VALPARAISO, INDIANA, as follows:

1. Pursuant to IC § 36-7-14.5-7, the City of Valparaiso Redevelopment Authority (the “Redevelopment Authority”) is hereby created as a separate body corporate and politic and as an instrumentality of the City of Valparaiso for the purposes and to exercise the powers set forth in the Act or otherwise granted by law. The Redevelopment Authority shall be governed by a board of directors consisting of three (3) members, each of whom shall be appointed by the Mayor of the City.

2. This Ordinance shall be in full force and effect from and after its passage.

DULY PASSED on this ____ day of _____, 2022, by the Common Council of the City of Valparaiso, Indiana.

Presiding Officer

ATTEST:

Holly Taylor, Clerk-Treasurer

This Ordinance presented by me, the Clerk-Treasurer of the City of Valparaiso, Indiana, to the Mayor for his approval this ____ day of _____, 2022.

Holly Taylor, Clerk-Treasurer

This Ordinance signed and approved by me, the Mayor of the City of Valparaiso, Indiana, this ____ day of _____, 2022.

Matt Murphy, Mayor