

**MINUTES OF THE MEETING
OF THE COMMON COUNCIL
VALPARAISO, INDIANA
February 28, 2022**

The Common Council of the City of Valparaiso, Indiana, met on Monday February 28, 2022 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 February 14, 2022 meeting. Councilmember Schmidt seconded the motion.

Councilmember Cotton discussed his desire to have the minutes as soon as they are prepared. Waiting until it is four days before the Council meeting is not efficient. It is not as fresh in your mind by then. He would like to see it revert to getting them as soon as they are prepared.

Upon voice vote the motion to approve passed with a 7-0 vote.

Clerk-Treasurer Taylor explained she opted to have the minutes go with the packets sent by the mayor's office on Thursdays prior to the Council meetings only because it was duplicating work. Councilmember Douglas stated this could be discussed outside of the meeting and figure out what works best. Councilmember Cotton restated that it would be better to get the minutes sooner rather than with the packet.

ORDINANCE NO. 3, 2022

**AN ORDINANCE APPROPRIATING FUNDS IN THE CAPITAL EQUIPMENT FUND AND
PROVIDING FOR PUBLICATION OF NOTICE**

Councilmember Reed moved that Ordinance No. 3, 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 Schmidt seconded the motion. Clerk-Treasurer Taylor read the Ordinance.

These funds will be used for the purchase of police squad cars.

Councilmember Douglas announced that Ordinance No. 3, 2022 requires a Public Hearing and presented Proof of Publication that at tonight's meeting the Council will consider an appropriation in the Capital Equipment Fund. Attorney Lyp announced there were no electronic requests for information. Seeing no one wishing to address the Council, Councilmember Douglas declared the Public Hearing closed.

Councilmember Reed moved to adopt Ordinance No. 3, 2022. Councilmember Schmidt seconded the motion. Upon roll call vote the motion passed with a 7-0 vote.

ORDINANCE NO. 4, 2022

**AN ORDINANCE APPROPRIATING FUNDS IN THE UNSAFE BUILDING FUND AND PROVIDING
FOR PUBLICATION OF NOTICE**

Councilmember Reed moved that Ordinance No. 4, 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 Schmidt seconded the motion. Clerk-Treasurer Taylor read the Ordinance.

Councilmember Douglas announced that Ordinance No. 4, 2022 requires a Public Hearing and presented Proof of Publication that at tonight's meeting the Council will consider an appropriation in the Unsafe Building Fund. Attorney Lyp announced there were no electronic requests for information. Seeing no one wishing to address the Council, Councilmember Douglas declared the Public Hearing closed.

Councilmember Reed moved to adopt Ordinance No. 4, 2022. Councilmember Schmidt seconded the motion. Upon roll call vote the motion passed with a 7-0 vote.

ORDINANCE NO. 5, 2022

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF VALPARAISO, INDIANA, ESTABLISHING THE CITY OF VALPARAISO REDEVELOPMENT AUTHORITY

Councilmember Reed moved that Ordinance No. 5, 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 Schmidt seconded the motion. Clerk-Treasurer Taylor read the Ordinance.

Attorney Lyp explained the need for the Authority is for a parking garage. He cannot find where any Authority in the State of Indiana has exercised eminent domain. The Authority has no ability to raise any revenue. It can only acquire money from the Council or receive lease payments. The Authority is analogous to a holding corporation. This is not creating any new authority or power. The Board will consist of three members. One of the three will be a Councilmember.

Councilmember Anderson asked how the money that is collected by the Authority gets spent. Attorney Lyp explained the money will be taken by the Authority. It will then be paid towards the debt. This will be governed by a multi-party agreement. The only way the Authority can obtain money is through collection of lease money or the Council or another government entity.

Councilmember Cotton stated he feels this is like what was done with the Garmon building. In that case the VEDC held the building. He referred to the opinion letter of 2010 of Greg Zoeller and that the Council might be bypassed. He notes in the current ordinance the scope of power is quite broad. He feels we have the VEDC and this is what should be used instead of creating the Authority.

Councilmember Pupillo asked if there are any examples of an Authority operating outside of its bounds as intended. Attorney Lyp explained Greg Zoeller's opinion was written at the request of the State Board of Accounts for an auditing purpose. Imagine the worst-case scenario. The Authority decides to go rouge. They do not have a dime to their name. They have no ability to pay for anything. The VEDC is a private not for profit entity who agreed to partner with the City. No one can force them to take on that responsibility. They probably do not want to oversee a municipal parking garage. Councilmember Pupillo asked if a non-profit were in charge would a councilmember be on it. Attorney Lyp answered no.

Councilmember Reed stated with having a Councilmember serve on the Authority Board she is comfortable.

Councilmember Schmidt stated this has been well thought out. It is not a power grab. We have our Building Department to do condemnations. There are protective layers that protect the Council.

Councilmember Douglas asked for clarification that anything the Authority does is public. Attorney Lyp replied that is correct. And with the VEDC it is all private. Councilmember Douglas asked if the Council decided it no longer wanted the Authority could they rescind it. Attorney Lyp said they could and the ownership of the parking garage would revert to the City.

Councilmember Cotton discussed voting in lockstep. The Councilmember on the Board should be bipartisan. He feels the only way to stop the Authority would be to go to Court. Attorney Lyp stated that is not true. The Council would dissolve the Authority. The Council is forming it and they can unform it.

Councilmember Reed moved to adopt Ordinance No. 5, 2022. Councilmember Schmidt seconded the motion. Upon roll call vote the motion passed with a 6-1 vote. Councilmember Cotton voted No.

ORDINANCE NO. 6, 2022

AN ORDINANCE REESTABLISHING THE CUMULATIVE CAPITAL DEVELOPMENT (CCD) FUND AND PROVIDING FOR PUBLICATION OF NOTICE UNDER INDANA CODE 36-9-15.5

Councilmember Reed moved that Ordinance No. 6, 2022 be read a first time and considered on first reading. Councilmember Schmidt seconded the motion. Clerk-Treasurer Taylor read Ordinance No. 6, 2022.

Eric Walsh of Baker-Tilly addressed the Council. The City of Valparaiso already has a CCD Fund with a tax rate of .0124 per \$100 of net assessed value. Under State Statute this Fund can be reestablished to a maximum rate of 4 cents. This does take a Public Hearing. That would be at the March 14th meeting if they decide to go ahead. It then gets filed with the DLGF and would not be in effect until 2023. The 4 cents would generate beginning in 2023, approximately \$510,000 per year for the City. These funds can be used for any general purpose. The CCD Fund is a rate driven fund. Once you hit the max of 4 cents, as the assessed value grows in the City, the tax rate comes down for this one. So the City's growing tax base has been generating the same dollar amount each year with the tax rate going down. On an annual basis the City can adjust to the 4 cents.

Councilmember Cotton stated people with assessed value over \$150,000 probably will not see an increase because they have already maxed out.

Councilmember Reed moved to carry Ordinance No. 6, 2022 to the March 14, 2022 meeting. Councilmember Schmidt seconded the motion. Upon voice vote the motion passed with a 7-0 vote.

ORDINANCE NO. 7, 2022

AN ORDINANCE APPROVING EXPENDITURE OF FUNDS IN THE PARK NON-REVERTING CAPITAL FUND AND PROVIDING FOR PUBLICATION OF NOTICE

Councilmember Reed moved that Ordinance No. 7, 2022 be read a first time and considered on first reading. Councilmember Schmidt seconded the motion. Clerk-Treasurer Taylor read Ordinance No. 7, 2022.

John Seibert addressed the Council. There will be a Public Hearing on this at the March 14th meeting. It has been passed unanimously by the Park Board at its February 22nd meeting. These are golf course revenues accumulated for capital improvements. They can be spent on golf course improvements only. He presented a list of improvements at a cost of \$105,000.00.

Councilmember Douglas stated he was at the last Park Board meeting. These improvements are needed.

Councilmember Pupillo asked if this is a conservative quote. John Seibert reported it is and they are held for 35 days or until March 17th.

Councilmember Costas asked about the range lights. Dan McQuire explained this is replacing some of the lights and a lift that will be used to replace the bulbs. The cart path will be resurfaced only. The flooring is for the Creekside Club House. This is a 22 year replacement issue.

Councilmember Schmidt stated he supports this fully. John Seibert added it has been a remarkable change in golf. Councilmember Schmidt said he knows the retired people have been asking for a lot of these changes. John Seibert added the young people are beginning to golf.

Councilmember Cotton noted that Creekside got the most money for repairs. John Seibert replied this was based on what was needed. Last year they spent more on Forest Park than Creekside.

Councilmember Reed thanked John and his team for all they do. John stated it is important that it is a team and a lot of great partners.

Councilmember Reed moved to carry Ordinance No. 7, 2022 to the March 14, 2022 meeting. Councilmember Schmidt seconded the motion. Upon voice vote the motion passed with a 7-0 vote.

Reports

Councilmember Reed announced the school board appointment applications went live on the city's website today. Applications will be accepted until April 22nd. The schedule for the process is also on the website.

Attorney Lyp discussed the process for ARPA. The portal on the web page has received 122 responses. The portal will be live until tomorrow at noon. At that point all responses will be compiled and given to the Council. Meetings will be set up with Councilmembers to discuss responses. And then produce a plan.

Councilmember Cotton discussed his concern that not all have had a chance to state their comments. It could end up that not all the money is allocated. That would be a reason to leave the portal open to receive more comments.

Councilmember Douglas stated the portal is just one way to communicate. Citizens have many ways to let the City know their thoughts on how to allocate.

Councilmember Schmidt stated Valparaiso for all Generations was a great presentation. The presentation is on the web page.

John Seibert announced Public Input sessions for the projects are Monday March 7th – Legacy Parks. March 8th – the sports complex. March 9th the Adult Center for Enrichment. All are at 5:00 in the Welter Room. These are the first of many public hearings to come.

Public Comments

Walt Breitingner – 608 Academy. He is talking about the mud washing into Beauty Creek. He attended meetings where experts promised the citizens there would be no problems. About a week ago a massive amount of mud washed into Beauty Creek. The land should not have been stripped of all its vegetation. Measures should have been taken to protect the creek from mud. He requests the city make sure the maximum fines possible are imposed. The developer should remediate Beauty Creek. He has seen a letter from the City stating that this recent development was brought on by rain, warm weather and snow melt. It was not a recent development. It was recent travesty. It was brought on by complete disregard for proper storm water management practices.

Art Elwood – 1701 Boca Lago. This is a public private venture. We have been let down by two entities. It is his understanding that this was brought to light by a citizen on Friday. By Monday equipment was working on the problem. A couple of Councilmen were on site. He wonders if this is a conflict of interest if any of these Councilmen purchased property in the Brooks and are going to vote on anything that goes further from here.

Jessica Jepsen – 1259 Sherwood. She discussed the School Board. There is no accountability anymore. It is one thing for a citizen to do their work and bring it to the school board. It is another for the Superintendent to call a citizen irresponsible for doing their work. This is totally out of line. She is right that the Superintendent has lied. The school board needs to be accountable to the citizens. Right now they are not accountable to anyone.

Gary Brown – 203 Harrison. The Brooks has turned into a mud hole. His fears are realized. When City Hall was at Hayes Leonard there was a meeting and everyone was promised what a great project this was going to be. Anyone can see they did not do anything to prepare for the weather. Fish will die from this. There must be penalties. It is bad for the reputation of the City. They were promised the retention pond at the top would hold water. There is none in the ditch. All the water is going downhill. The Councilmembers should go look for themselves.

Dennis Alonzo – 3109 Winter Park Drive. He is here for himself. Inaccuracies are floating around. On December 2nd when the foundation work started the entire creek was blocked. There were water issues in the foundation that had to be repaired. The mud had to be scooped out. Some rebar had to be redone. Forms had to be redone. On December 14th or 15th the foundation was poured. The creek remains blocked. Water was supposed to go into the big retaining pond and then slowly released. Why wasn't the creek put into the big pond? Pumps should have been put at the south end to pump around the work site. This is not uncommon. This needs to be inspected. He is concerned about the oversight of this project. He does not want taxpayer money to have to fix something down the line. Let's get this done correctly so the road that will be going through lasts as long as it is supposed to.

Mike Jabo – City Engineer. Last week at the Board of Works a presentation was made and earlier in the week at the Utility Board. In that presentation Matt incorrectly stated the contractor would be in next week. Actually he will be at the next Board of Works meeting on March 11th. There was over an inch of rain, ice melt and frozen ground. This is a recipe for disaster. People could have done better. Once it was brought to their attention staff was out there immediately. Once it dried up, corrective action began. The culvert is not expected for another week or so. Staff has been working with IDEM. The foundation will be inspected at the contractor's expense. The contractor has been issued a violation.

Councilmember Douglas recapped what Mike Jabo reported.

Councilmember Pupillo asked if any further remediation will take place before the March 11th meeting. Mike Jabo said they have talked to the contractor about additional items they would like to see.

Councilmember Cotton talked about the remedy between now and then. Will pumps be put in to divert water into the big basin. Mike Jabo said they have put in coffer dams. They are set at a lower level. The purpose is to catch all the sediment that might be in the water. Pumping is difficult. Once the culverts are in there will be 15 to 20 feet of fill on top of them. Councilmember Cotton asked if the measures that have been taken are sufficient to avert another breach. Mike replied a breach of the channel yes. It will stop the dirt and not the water.

The meeting adjourned at 7:34 p.m.

/s/ Holly Taylor, Clerk-Treasurer

ORDINANCE #6, 2022

AN ORDINANCE REESTABLISHING THE CUMULATIVE CAPITAL
DEVELOPMENT (CCD) FUND AND PROVIDING FOR PUBLICATION OF NOTICE
Under Indiana Code 36-9-15.5

BE IT ORDAINED by the City Council of the City of Valparaiso of Porter County, Indiana that a need now exists for the reestablishment of a Cumulative Capital Development Fund for all uses as set out in IC 36-9-15.5.

BE IT FURTHER ORDAINED that this Council will adhere to the provisions of Indiana Code 36-9-15.5. The proposed fund will not exceed:

\$0.0400 per \$100 of assessed valuation beginning with taxes payable in 2023

BE IT FURTHER ORDAINED that proofs of publication of the public hearing held on the 14th day of March, 2022, and a certified copy of this Ordinance shall be submitted to the Department of Local Government Finance of the State of Indiana as provided by law. This Cumulative Fund is subject to the approval of the Department of Local Government Finance.

Duly adopted by the following vote of the members of said City Council of the City of Valparaiso, Indiana this 14th day of March, 2022.

AYE

NAY

Name:

Name:

Name:

Name:

Name:

Name:

Name:

Name:

Name:

Name:

Name:

Name:

Name:

Name:

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 #7, 2022

AN ORDINANCE APPROVING EXPENDITURE OF FUNDS IN THE PARK
NON-REVERTING CAPITAL 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 Park Non-Reverting Capital Fund for the purpose and use here in after set forth, all for use during the current year of 2022, to-wit:

NON-REVERTING CAPITAL

Capital Improvements	\$ 105,000.00
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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 March 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 _____, 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. 8-2022

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF VALPARAISO, INDIANA, AUTHORIZING THE ISSUANCE OF THE CITY OF VALPARAISO, INDIANA, ECONOMIC DEVELOPMENT REVENUE BONDS AND APPROVING AND AUTHORIZING OTHER ACTIONS IN RESPECT THERETO.

WHEREAS, Indiana Code 36-7-11.9 and 12 (collectively, the “Act”) declares that the financing and refinancing of economic development facilities constitutes a public purpose; and

WHEREAS, pursuant to the Act, the City of Valparaiso, Indiana (the “City”), is authorized to issue revenue bonds for the purpose of financing, reimbursing or refinancing the costs of acquisition, construction, renovation, installation and equipping of economic development facilities in order to foster diversification of economic development and creation or retention of opportunities for gainful employment in or near the City; and

WHEREAS, Hageman Group, LLC and/or one or more subsidiaries, affiliates or joint ventures thereof (collectively, the “Developer”), desires to undertake the acquisition, construction, renovation, and equipping of a mixed-use residential project to be known as “The Linc” for use by the Developer in its operations within the City (the “Development”), which will benefit and serve the Consolidated Valparaiso Economic Development Area (the “Economic Development Area”), and the City desires to finance a portion of the costs of the Development (such costs referred to herein as the “Project”); and

WHEREAS, the Developer has advised the City, the City of Valparaiso Economic Development Commission (the “Economic Development Commission”) and the Redevelopment Commission concerning the Project, and has requested that the City issue economic development revenue bonds of the City, designated as the “City of Valparaiso, Indiana, Economic Development Revenue Bonds, Series 2022” (with such further series or different series designation as determined to be necessary or appropriate), in the aggregate principal amount not to exceed Three Million Three Hundred Thousand Dollars (\$3,300,000) (collectively, the “Bonds”), under the Act and make the net proceeds of such Bonds available to the Developer for the purpose of financing a portion of the costs of the Project; and

WHEREAS, the Economic Development Commission has rendered a report concerning the proposed financing or refinancing of economic development facilities for the Developer; and

WHEREAS, following a public hearing, pursuant to Section 24 of the Act, the Economic Development Commission found that the financing of the Project complies with the purposes and provisions of the Act and that such financing will be of benefit to the health and public welfare of the City; and

WHEREAS, the Economic Development Commission has considered whether the financing will have an adverse competitive effect or impact on any similar facility or facility of the same kind already constructed or operating in the corporate boundaries of the City; and

WHEREAS, pursuant to and in accordance with the Act, the City desires to provide funds necessary to finance a portion of the Project by issuing the Bonds; and

WHEREAS, the Act provides that such bonds may be secured by a trust indenture between an issuer and a corporate trustee; and

WHEREAS, the City intends to issue the Bonds consistent with the terms of this Ordinance and pursuant to a Trust Indenture, dated as of the date of issuance of the Bonds, as supplemented and amended from time to time (the “Indenture”), by and between the City and a corporate trustee to be selected by the City (the “Trustee”), in order to secure funds necessary to provide for the financing of a portion of the costs of the Project in accordance with the terms of a Financing Agreement, to be dated as of the date of issuance of the Bonds (the “Financing Agreement”), by and between the City and the Developer with respect to the use of the proceeds of the Bonds and the completion of the Project; and

WHEREAS, the Redevelopment Commission has pledged to the City a portion of the tax increment revenues generated by one or more of the allocation areas in the Economic Development Area (the “Tax Increment Revenues”) to pay principal of and interest on the Bonds as the same become due and payable, and to pay administrative expenses in connection with the Bonds, as further described herein; and

WHEREAS, no member of the Common Council of the City (the “Common Council”) has any pecuniary interest in any employment, financing agreement or other contract made under the provisions of the Act and related to the Bonds authorized herein, which pecuniary interest has not been fully disclosed to the Common Council, and no such member has voted on any such matter, all in accordance with the provisions of Indiana Code 36-7-12-16; and

WHEREAS, the forms of the Bonds, the Indenture and the Financing Agreement (collectively, the “Financing Documents”), and a form of this proposed Ordinance were submitted to, and approved by, the Economic Development Commission, which documents were incorporated by reference in the resolution heretofore adopted by the Economic Development Commission, which resolution has been transmitted to the Common Council in accordance with the Act;

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

SECTION 1. Based upon the resolution adopted by the Economic Development Commission pertaining to the Project, the Common Council hereby finds and determines that the funding approved by the Economic Development Commission for all or a portion of the Project will be of benefit to the health and general welfare of the citizens of the City, complies with the provisions of the Act, and the amount necessary to finance a portion of the costs of the Project will require the issuance, sale and delivery of economic development revenue bonds in an aggregate principal amount not to exceed Three Million Three Hundred Thousand Dollars (\$3,300,000).

SECTION 2. It is hereby found, determined, ratified and confirmed that the financing of the economic development facilities referred to in the Financing Documents consisting of the Project, the issuance and sale of the Bonds, and the use of the net proceeds thereof by the Developer to finance a portion of the Project will: (i) result in the diversification of industry, the creation or retention of business opportunities and the creation or retention of opportunities for gainful employment within the jurisdiction of the City; (ii) serve a public purpose, and will be of benefit to the health and general welfare of the City; and (iii) comply with the purposes and provisions of the Act, and it is in the public interest that the City take such lawful action as determined to be necessary or desirable to encourage the diversification of industry, the creation or retention of business opportunities, and the creation or retention of opportunities for gainful employment within the jurisdiction of the City.

SECTION 3. The forms of the Financing Documents presented herewith are hereby approved, and all such documents shall be kept on file by the Clerk-Treasurer of the City (the “Clerk-Treasurer”). Two (2) copies of the Financing Documents shall be kept on file in the office of the Clerk-Treasurer for public inspection.

SECTION 4. The City is authorized to issue the Bonds in the maximum aggregate principal amount not to exceed Three Million Three Hundred Thousand Dollars (\$3,300,000). Principal and interest on the Bonds shall be payable at maturity, and shall have a maximum maturity date not later than January 1, 2023. The maximum interest rate (if any) on the Bonds shall not exceed five percent (5.0%) per annum. The Bonds may be issued on either a taxable or tax-exempt basis and may be issued as serial bonds and/or term bonds subject to mandatory sinking fund redemption. The Bonds shall be subject to optional redemption prior to maturity as determined by negotiations with the purchaser thereof. The Bonds shall be issued in minimum denominations of One Hundred Thousand Dollars (\$100,000) or integral multiples of One Thousand Dollars (\$1,000) in excess thereof. The Bonds shall be issued for the purpose of procuring funds to (a) pay a portion of the cost of acquisition, design, construction, renovation, improvement and equipping of the Project, and (b) pay all incidental expenses on account of the issuance of the Bonds. The Bonds shall be sold by private negotiation to such purchaser as the Mayor and/or the Clerk-Treasurer shall determine. The Bonds shall be special and limited obligations of the City, payable solely from the trust estate created and established under the

Indenture (the “Trust Estate”), which Trust Estate shall consist of the funds and accounts created under the Indenture together with a pledge by the Redevelopment Commission of the Tax Increment Revenues, upon such terms and conditions as provided in the Financing Documents and this Ordinance. The Bonds shall never constitute a general obligation of, an indebtedness of, or charge against the general credit of the City.

SECTION 5. The Mayor and the Clerk-Treasurer of the City are authorized and directed to sell such Bonds to a purchaser determined by either of such officers, at a price of par, at a rate of interest (if any) not to exceed five percent (5.0%) per annum, and with a final maturity no later than January 1, 2023. The form of a Bond Purchase Agreement (the “Purchase Agreement”), between the City and the purchaser of the Bonds is hereby authorized and approved in a form and substance acceptable to the City Clerk-Treasurer with the advice of counsel. The Mayor and the Clerk-Treasurer of the City are hereby authorized and directed to execute and deliver the Purchase Agreement in form and substance acceptable to them and consistent with the terms and conditions set forth in this Ordinance, with such acceptance of the form and substance thereof to be conclusively evidenced by their execution thereof.

SECTION 6. Each of the Mayor, the Clerk-Treasurer and any other officer of the City are authorized and directed to execute the Financing Documents, such other documents approved or authorized herein and any other document which may be necessary, appropriate or desirable to consummate the transaction contemplated by the Financing Documents and this Ordinance, and their execution is hereby confirmed on behalf of the City. The signatures of the Mayor, the Clerk-Treasurer and any other officer of the City on the Bonds which may be necessary or desirable to consummate the transaction, and their execution is hereby confirmed on behalf of the City. The signatures of the Mayor, the Clerk-Treasurer and any other officer of the City on the Bonds may be facsimile signatures. The Mayor, the Clerk-Treasurer and any other officer of the City are authorized to arrange for the delivery of such Bonds to the purchaser, payment for which will be made in the manner set forth in the Financing Documents. The Mayor, the Clerk-Treasurer and any other officer of the City may, by their execution of the Financing Documents requiring their signatures and imprinting of their facsimile signatures thereon, approve any and all such changes therein and also in those Financing Documents which do not require the signature of the Mayor, the Clerk-Treasurer or any other officer of the City without further approval of this Common Council or the Economic Development Commission if such changes do not affect terms set forth in Sections 27(a)(1) through and including (a)(10) of the Act.

SECTION 7. The provisions of this Ordinance and the Financing Documents shall constitute a contract binding between the City and the holder or holders of the Bonds, and after the issuance of said Bonds, this Ordinance shall not be repealed or amended in any respect which would adversely affect the rights of such holder or holders so long as said Bonds or the interest thereon remains unpaid.

SECTION 8. No recourse under or upon any obligation, covenant, acceptance or agreement contained in this Ordinance, the Financing Documents or under any judgment obtained against the City, including without limitation its Economic Development Commission, or by the enforcement of any assessment or by any legal or equitable proceeding by virtue of any constitution or statute or otherwise, or under any circumstances, under or independent of the Financing Agreement, shall be had against any member, director, or officer or attorney, as such, past, present, or future, of the City, including without limitation its Economic Development Commission, either directly or through the City, or otherwise, for the payment for or to the City or any receiver thereof or for or to any holder of the Bonds secured thereby, or otherwise, of any sum that may remain due and unpaid by the City upon any of such Bonds. Any and all personal liability of every nature, whether at common law or in equity, or by statute or by constitution or otherwise, of any such member, director, or officer or attorney, as such, to respond by reason of any act or omission on his or her part or otherwise for, directly or indirectly, the payment for or to the City or any receiver thereof, or for or to any owner or holder of the Bonds, or otherwise, of any sum that may remain due and unpaid upon the Bonds hereby secured or any of them, shall be expressly waived and released as a condition of and consideration for the execution and delivery of the Financing Agreement and the issuance, sale and delivery of the Bonds.

SECTION 9. If any section, paragraph or provision of this Ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this Ordinance.

SECTION 10. All ordinances, resolutions and orders or parts thereof, in conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby repealed.

SECTION 11. It is hereby determined that all formal actions of the Common Council relating to the adoption of this Ordinance were taken in one or more open meetings of the Council, that all deliberations of the Common Council and of its committees, if any, which resulted in formal action, were in meetings open to the public, and that all such meetings were convened, held and conducted in compliance with applicable legal requirements, including Indiana Code 5-14-1.5, as amended.

SECTION 12. The Mayor, the Clerk-Treasurer and any other officer of the City are hereby authorized and directed, in the name and on behalf of the City, to execute, attest and deliver such further instruments and documents, and to take such further actions, in the name of the City as in their judgment shall be necessary or advisable in order fully to consummate the transactions described herein and carry out the purposes of this Ordinance, and any such documents heretofore executed and delivered and any such actions heretofore taken, be, and hereby are, ratified and approved. In particular, at the request of the Developer, the Mayor, the Clerk-Treasurer and any other officer of the City are hereby authorized and directed, in the name and on behalf of the City, to execute, attest and deliver, in lieu of a Financing Agreement, a Loan Agreement with the Developer in such form as such officers shall approve, such approval to be conclusively evidenced by their execution thereof.

SECTION 13. This Ordinance shall be in full force and effect from and after its passage.

Passed and adopted by a the Common Council of the City of Valparaiso, Indiana by a _____ vote of all members present and voting on 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 on the _____ day of _____, 2022, at the hour of _____ p.m.

Holly Taylor, Clerk-Treasurer

This ordinance approved and signed by me on the _____ day of _____, 2022, at the hour of _____ p.m.

Matthew R. Murphy, Mayor

ORDINANCE #9, 2022**AN ORDINANCE AMENDING THE ZONING MAP
OF THE CITY OF VALPARAISO**

WHEREAS, a petition to amend the City of Valparaiso Zoning Map was presented by was presented by Jon Schmaltz on behalf of Kamber Properties, LLC (“Kamber”); and

WHEREAS, on March 1, 2022 the Plan Commission held a properly noticed public hearing on the proposed amendment according to IC 5-3-1 ; and

WHEREAS, the general public was given opportunity to comment on the proposed amendments; and

WHEREAS, on March 1, 2022, the Plan Commission voted to recommend the approval of the proposed amendments by a vote of 6 - 0;

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Valparaiso:

1. That Zoning Map be amended as described in Exhibit A; and
2. That this ordinance be in full force and effect from and after its adoption and approval by the Mayor.

PASSED by the Common Council of the City of Valparaiso, Indiana, by a vote of ____ - ____ of all members present and voting on this _____ day of _____, 2022.

Matthew R. Murphy
City of Valparaiso - Mayor

ATTEST:

Holly Taylor
Clerk-Treasurer

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

Holly Taylor
Clerk-Treasurer

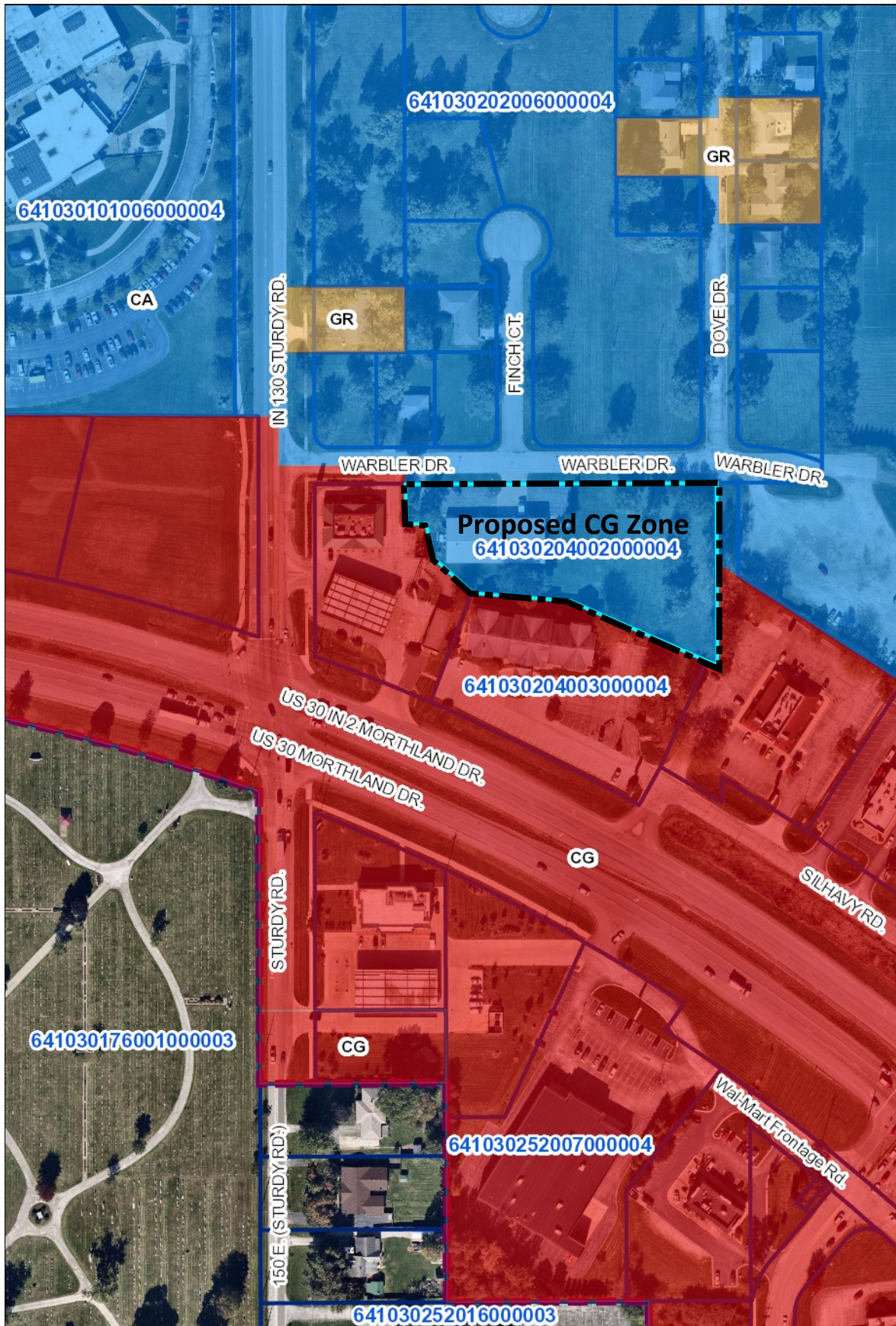
This Ordinance approved and signed by me this _____ day of _____, 2022, at _____ o'clock p.m.

Matthew R. Murphy
City of Valparaiso - Mayor

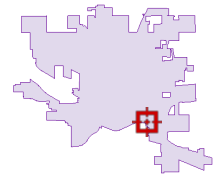
Attachment A

Zone Map Update - 2006 Warbler Dr - CA to CG

Petitioner - Kamber Properties, LLC



Overview



Legend

- Parcels
- Street Names
- City Limits
- Zoning
 - <all other values>
 - Business Park
 - <blank>
 - Campus
 - Central Business District
 - Commercial, General
 - Commercial, Neighborhood
 - Central Place
 - Estate Residential
 - Residential, Gener.
 - Heavy Industrial
 - Light Industry
 - Neighborhood Conservation 60
 - Neighborhood Conservation 70
 - Neighborhood Conservation 80
 - Neighborhood Conservation 90
 - Neighborhood Conservation -MH
 - Public Space
 - Planned Unit Development
 - Residential Transition
 - Suburban Residential
 - Residential, Urban



City of Valparaiso
Planning Department
166 Lincolnway
Valparaiso, IN 46383
(219) 462-1161
www.valpo.us

March 4, 2022

Mayor Matthew Murphy
Valparaiso Common Council
166 Lincolnway
Valparaiso, IN 46383

RE: Certification of Proposal for Zone Map Amendment

Dear Mayor Murphy,

At their March 1 meeting, the Valparaiso Plan Commission considered the attached proposal for a Zone Map Amendment and voted to favorably recommend the petition to the Common Council. This letter serves as certification to the Common Council per UDO Sections 15.601(B)(5) and IC 36-7-4-602(c).

Please feel free contact me directly with any questions.

Sincerely,

Beth Shrader
Planning Director

Encl.

CC: Matt Evans, Plan Commission President
George Douglas, Common Council President
Holly Taylor, Clerk-Treasurer
Patrick Lyp, City Attorney
Mark Worthley, Plan Commission Attorney

PETITION TO VALPARAISO PLAN COMMISSION

This application is being submitted for (Check all that apply):

PUBLIC HEARING REQUIRED:

- ☒ To Rezone a Property from CA to CG
☐ To Approve a Primary Plat
☐ To Approve a Planned Unit Development (PUD)
☐ To Approve a Major Planned Unit Development (PUD) Amendment
☐ To Annex Property into the City of Valparaiso, IN
☐ To Vacate Alley
☐ To Appeal the Decision of the Plat Committee

NO PUBLIC HEARING REQUIRED:

- ☐ To Approve a Minor Subdivision (Lot Split)
☐ To Approve a Final Plat
☐ To Approve a Plat Amendment
☐ Design/Architectural Approval in _____ Overlay District

For Office Use Only:

Petition #: _____

Application Filing Fee: _____

Date Filed: ____ / ____ / ____

Meeting: ____ / ____ / ____

SUBJECT PROPERTY INFORMATION

TYPE OR PRINT IN INK

Property Address: _____
2006 Warbler Dr.
Valparaiso, IN 46383

Subject Property fronts on the North side
between (streets) Dove Drive and Sturdy Road

Description of Location of Property: _____
South side of Warbler Drive and East of
Sturdy Road

Zoning District (Current): CA - Campus
Zoning District (Proposed): CG - Commercial, General

Zoning of Adjacent Properties:

North: CA South: CG

East: CA West: CG

Present Use of Property: General Business

Parcel/Tax Duplicate Number: _____
641030204002000004

Subdivision (If Applicable): _____

Dimensions of Property: Front: 426 ft Depth: 250 ft

Proposed Use of Property: General Business

Property Area (sq. ft./acres): 1.533 acres

General Business

PETITIONER INFORMATIONApplicant Name: Jon Schmaltz

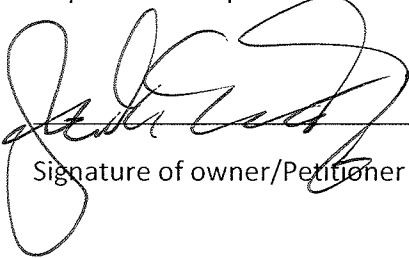
Address: _____

Burke Costanza & Carberry, LLPPhone: 219-769-1313156 S. Washington StreetEmail: schmaltz@bcclegal.comValparaiso, IN 46383**PROPERTY OWNER INFORMATION**Applicant Name: Kamber Properties, LLC

Address: _____

157 Palomino LanePhone: 877-870-5989Valparaiso, IN 46383Email: ken@litko.net**LEGAL DESCRIPTION OF SUBJECT PROPERTY: (EXHIBIT NO. 100)**PARC IN W1/2 NE N OF RD 30 AS DESC DR357 P451 30-35-5 2.00A TIF(See attached)**PROPOSED VARIANCES OR WAIVERS: (EXHIBIT NO. 101)**

ALL OWNERS OF RECORD OF THE ABOVE-REFERENCED PROPERTY MUST SIGN THE PETITION FOR PUBLIC HEARING. The owner(s), by signing this Petition for Public Hearing, represent to the City of Valparaiso – Plan Commission, that he/she/it has the necessary legal authority to request action to be taken on the above-referenced property. If the name of the Petitioner is different from the property owner, the Plan Commission shall accept the requests and representations of the Petitioner and the property owner shall be bound by such requests and representations via the Attached Affidavit of Consent of Property Owner.



Signature of owner/Petitioner

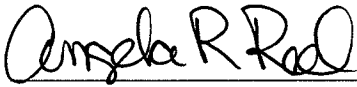
1/28/2022

Date

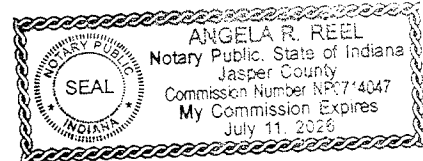
Kamber Properties, LLC

Printed name

Subscribed and sworn to before me this 28 day of January, _____.



Notary Public, Angela R Reel



My Commission Expires: 7/11/26

EXHIBIT "A"
VICINITY MAP

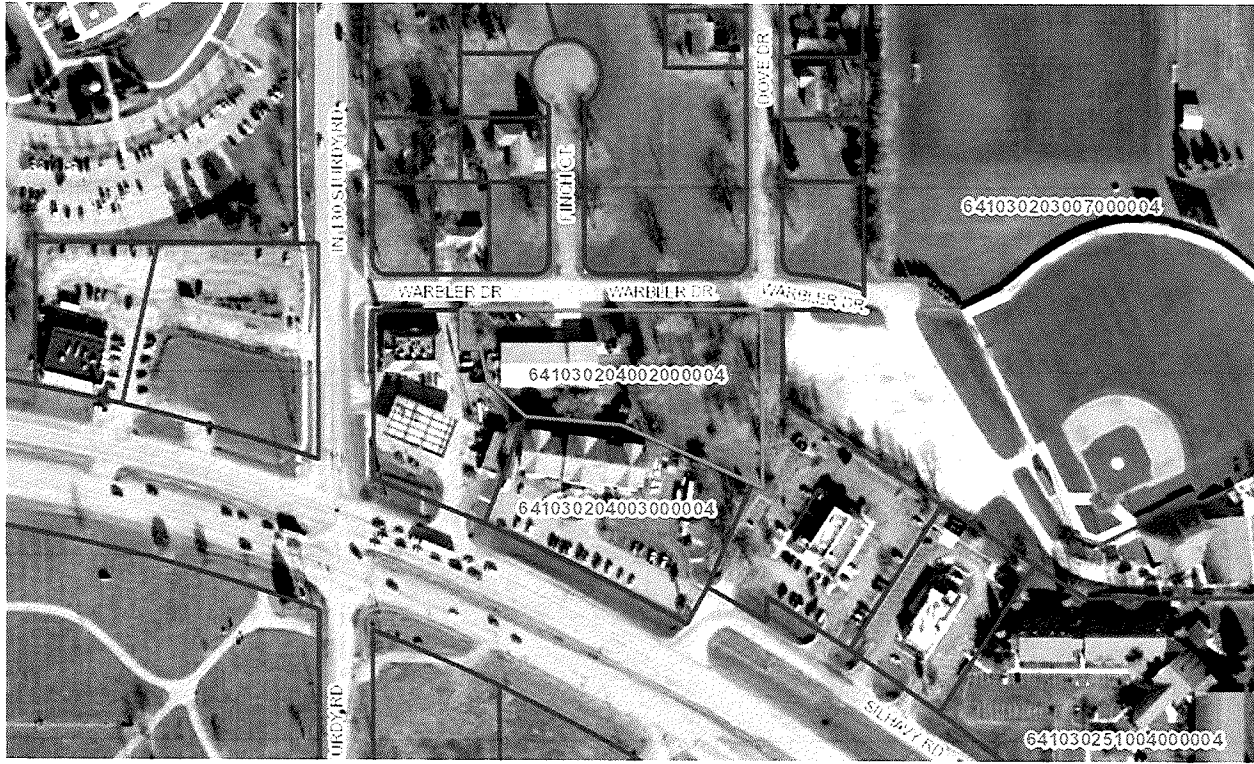


EXHIBIT "C"
PROJECT DESCRIPTION

Petitioner requests to have the subject real estate ("Property") rezoned from its current Zoning District of CA-Campus to CG- Commercial General.

**SUPPLEMENTAL AMENDMENT TO
PETITION TO VALPARAISO PLAN COMMISSION**

CHANGE IN ZONING

Petitioner: Kamber Properties, LLC

Property Location: 2006 Warbler Dr.
Valparaiso, Indiana 46383

Current Zoning: CA - Campus

Proposed Zoning: CG – Commercial, General

By way of this Supplemental Amendment to Petition to Valparaiso Plan Commission, the above-named Petitioner, as part of its petition and application to the Valparaiso Plan Commission, states as follows:

EXISTING FACILITY AND USE

The subject property identified in the application is occupied by LITKO Game Accessories (“LITKO”), a designer and manufacturer of hobby gaming products for hobbyists and tabletop gaming publishers and manufacturers. Through its distribution network, LITKO’s products are sold worldwide.

LITKO’s production processes and operations use CO₂ laser equipment systems. These systems are similar to those used in custom engraving methods, including those used in the creation and customization of ceremonial awards, trophies, and memorabilia. Only non-toxic exhaust is produced in manufacturing; all exhaust is clear, colorless, not noxious, and non-hazardous. Additionally, small UV printers are used in product finishing.

Only simple and non-hazardous materials are used in production, including thin plywood, acrylic sheet, and vinyl.

Most of LITKO’s business activity at this location – and most of the building footprint – consists of small product assembly, shipment packing, and business administration.

Planned Modifications and Improvements

Only minor modifications to the property are planned. Historically, this facility has been used as a mail processing plant by Valparaiso University. In its current configuration, it requires little modification to suit LITKO’s needs, since most of the business activities – namely, packing and shipping – are similar to its historic use.

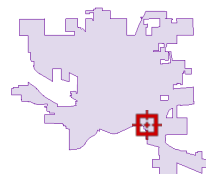
Among the few proposed modifications is the placement of a monument-style sign on the property. The dimensions and style of any such sign would comport with Valparaiso’s current sign ordinance. Landscaping will be improved as well.

REASON FOR REQUEST

Petitioner makes its request primarily for two reasons. First, having only recently purchased this property from Valparaiso University, it is no longer occupied by, or used for, any university-related function or operation. As such, the CA-Campus designation is not required. Second, much of the surrounding area is currently zoned CG – Commercial, General. The CG district permits LITKO’s required uses and achieves the maximum amount of consistency with the surrounding neighborhood.



Overview



Legend

 Parcels

Date created: 2/21/2022
Last Data Uploaded: 2/20/2022 1:05:25 PM

Developed by  **Schneider**
GEOSPATIAL