MINUTES OF THE MEETING

OF THE COMMON COUNCIL VALPARAISO, INDIANA

January 9, 2023

The Common Council of the City of Valparaiso, Indiana, met on Monday January 9, 2023 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, Peterson, Anderson, and Costas.

Presentations

VHS Football 2022 State Champion

Valparaiso High School's Football team is the 2022 State Champion. Mayor Murphy presented the Team and Coaches with a VHS Football State Championship Proclamation.

Chief of Police Swearing In Ceremony

Chief Balon has resigned from the Valparaiso Police Department because he was elected Sheriff of Porter County. Andrew McIntyre was picked as his replacement. Mayor Murphy held a Swearing-In ceremony for Chief McIntyre.

MINUTES

Councilmember Cotton requested changes to the December 12, 2022 minutes. "Councilmember Cotton asked about demands placed on the water supply" at the meeting he suggested that there were outsized demands placed on the water supply and or our facilities by a few entities. The subsequent response from Steve Poulos was that wells fight against each other when they are too close to each other. He also corrected the way the debt ceiling is calculated.

MOTION: Councilmember Schmidt moved to adopt minutes of the December 12, 2022 meeting with noted changes. Councilmember Reed seconded the motion. Upon voice vote the motion passed with a 7-0 vote.

REORGANIZATION

Councilmember Schmidt presented the following slate of officers and appointments:

President – Casey Schmidt

Vice President – Diana Reed

Redevelopment Commission – Evan Costas and Casey Schmidt

Board of Zoning Appeals – Mark Ribordy

Valparaiso Economic Development Commission – Pat McGinley

Fire Territory – Diana Reed

Traffic and Safety – Jack Pupillo

Shared Ethics Commission – Peter Anderson

Plan Commission – Peter Anderson

Council Liaison

Valparaiso Community Schools – Diana Reed and Jack Pupillo

Parks Department – Harry Peterson

Utilities – Robert Cotton

Engineering and Code Enforcement – Robert Cotton

Public Safety – Jack Pupillo Public Works – Harry Peterson

MOTION: Casey Schmidt moved to accept the slate as presented. Diana Reed seconded he motion. Upon voice vote the motion passed with a 7-0 vote.

Councilmember Cotton – A recommendation was not made for the Intervention and Reconciliation person on the HRC. That had been allowed to stay with Mike Baird. This is an important appointment.

Attorney Patrick Lyp – Mike Baird has indicated this will be his last term on the Committee. He has been charged with finding someone to serve on that Committee. Once they have a name, they will bring it back to the Council for consideration.

Councilmember Cotton – That is a Council function. Who charged you with that?

Attorney Lyp – Council President Schmidt and the Mayor.

Councilmember Cotton – In the past they had meetings and they were able to discuss the various appointments and particularly the non-Council appointments. The Mayor and the Council President charged you with taking care of a Council responsibility.

Attorney Lyp – Charged is too strong of a word. He is on the HRC Board and works with the IR Committee. Given his involvement, they asked him to bring names of people he thought would work well.

Councilmember Reed – Is it possible Councilmembers can pass names along to Attorney Lyp?

Attorney Lyp – Absolutely.

RESOLUTION NO. 1, 2023

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

Councilmember Schmidt moved that Resolution No. 1, 2023 be read and considered for passage. Councilmember Reed seconded the motion. Clerk-Treasurer Taylor read Resolution No. 1, 2023.

Clerk-Treasurer Taylor addressed the Council. This is an annual Resolution. Tax supported funds that run short can borrow from the Rainy Day Fund and must pay back the loan by December 31st.

MOTION: Councilmember Schmidt moved to adopt Resolution No. 1, 2023. Councilmember Reed seconded the motion. Upon Roll Call vote the motion to adopt Resolution No. 1, 2023 was passed with a 7-0 vote.

RESOLUTION NO. 2, 2023

A RESOLUTION TRANSFERRING FUNDS TO THE RAINY DAY FUND

Councilmember Schmidt moved that Resolution No. 2, 2023 be read and considered for passage. Councilmember Reed seconded the motion. Clerk-Treasurer Taylor read Resolution No. 2, 2023.

Clerk-Treasurer Taylor addressed the Council. This is an annual Resolution. She determines how many unspent appropriations there are and then determines what portion of that gets transferred to the Rainy Day Fund. This year she is transferring \$100,000.00.

MOTION: Councilmember Schmidt moved to adopt Resolution No. 2, 2023. Councilmember Reed seconded the motion. Upon Roll Call vote the motion to adopt Resolution No. 2, 2023 was passed with a 7-0 vote.

RESOLUTION NO. 3, 2023

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF VALPARAISO, INDIANA, APPROVING TWO LEASES BETWEEN THE CITY OF VALPARAISO REDEVELOPMENT AUTHORITY AND THE CITY OF VALPARAISO REDEVELOPMENT COMMISSION, AND ADDRESSING OTHER MATTERS RELATED THERETO

Councilmember Schmidt moved that Resolution No. 3, 2023 be read and considered for passage. Councilmember Reed seconded the motion. Clerk-Treasurer Taylor read Resolution No. 2, 2023.

Attorney Lyp introduced Andy Moser of Baker Tilly who is the City's financial consultant. There are two Ordinances on the Agenda as well. These have been heard on first reading. Andy will present all three at the same time. There will be individual Public Hearings and votes.

Andy Moser - The Bonds are approved to be issued in a maximum principal amount not to exceed \$20,000,000 for Bonds related to the first lease and \$7,000,000 for Bonds related to the second Lease. Interest rate shall not exceed 7.0%. The term of the Leases shall not extend beyond twenty (20) years after the first lease payment under each Lease.

Councilmember Cotton – What are the interest rates now? What is the timeline for moving to market?

Andy Moser – These will be going to market in the next couple of months. This is for the sports park.

MOTION: Councilmember Schmidt moved to adopt Resolution No. 3, 2023. Councilmember Reed seconded the motion. Upon roll call vote the motion to adopt Resolution No. 3, 2023 was passed with a 7-0 vote.

ORDINANCE NO. 31, 2022

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF VALPARAISO, INDIANA, APPROPRIATING THE PROCEEDS OF BONDS OF THE VALPARAISO REDEVELOPMENT AUTHORITY, INCLUDING INVESTMENT EARNINGS THEREON, AND RELATED MATTERS

Councilmember Schmidt moved that Ordinance No. 31, 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.

Andy Moser – This is an appropriation of \$27 Million Dollars.

Mayor Murphy announced that Ordinance No. 31, 2022 requires a Public Hearing and presented Proof of Publication that at tonight's meeting the Council will consider an appropriation of \$27,000 Million Dollars from Lease Rental Revenue Bonds, Series 2023. Seeing no one wishing to address the Council, Mayor Murphy declared the Public Hearing closed.

Motion: Councilmember Schmidt moved to adopt Ordinance No. 31, 2022. Councilmember Reed seconded the motion. Upon roll call vote the motion passed with a 7-0 vote.

ORDINANCE NO. 32, 2022

ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF VALPARAISO, INDIANA, AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS FOR THE PURPOSE OF PROVIDING FUNDS TO PAY FOR AN EXTENSION TO MEMORIAL PARKWAY AND RELATED IMPROVEMENTS, AND INCIDENTAL EXPENSES IN CONNECTION THEREWITH AND ON ACCOUNT OF THE ISSUANCE OF THE BONDS; AND APPROPRIATING THE PROCEEDS THEREOF

Councilmember Schmidt moved that Ordinance No. 32, 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.

Andy Moser – This authorizes the issuance of General Obligation Bonds for the purpose of providing funds to pay for an extension to Memorial Parkway. These bonds are tax neutral. The original principal amount is not to exceed \$5,815,000.00, not to exceed 20 years and not to exceed 7% interest.

Mayor Murphy announced that Ordinance No. 32, 2022 requires a Public Hearing and presented Proof of Publication that at tonight's meeting the Council will consider authorizing the issuance of general obligation bonds for the purpose of providing funds to pay for an extension to Memorial Parkway and appropriating the proceeds. Seeing no one wishing to address the Council, Mayor Murphy declared the Public Hearing closed.

Councilmember Cotton – What is the north-south length of this Parkway? What is the length of the existing part of the Parkway?

George Douglas $-\frac{3}{4}$ mile on the new and less than $\frac{1}{4}$ mile on the existing. This will serve as an access road to the Sports Complex.

Motion: Councilmember Schmidt moved to adopt Ordinance No. 32, 2022. Councilmember Reed seconded the motion. Upon roll call vote the motion passed with a 7-0 vote.

ORDINANCE NO. 28, 20222

ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF VALPARAISO, INDIANA, ESTABLISHING MUNICIPAL RIVERFRONT DISTRICT PROJECT AREA WITHIN THE CITY OF VALPARAISO

Attorney Patrick Lyp – The entity that spearheaded this project has withdrawn from the project. Therefore, he requests that this Ordinance be withdrawn. The City will continue to look at other areas. If they find a section that will work, they will bring a similar ordinance to the Council.

Motion: Councilmember Schmidt moved to withdraw Ordinance No. 28, 2022. Councilmember Reed seconded the motion. Upon voice vote the motion passed with a 7-0 vote.

Councilmember Cotton – He asked that the other locations be shared with him.

Councilmember Costas – This could be a good tool to attract business to Valparaiso. It should be looked at carefully. There should not be districts all over the City. He asked about the one remaining downtown liquor license.

ORDINANCE NO. 29, 2022

AN ORDINANCE CONCERNING THE CONSTRUCTION OF ADDITIONS AND IMPROVEMENTS TO THE WATERWORKS OF THE CITY OF VALPARAISO, INDIANA, THE ISSUANCE OF REVENUE BONDS TO PROVIDE THE COST THEREOF, THE COLLECTION, SEGREGATION AND DISTRIBUTION OF THE REVENUES OF SAID WATERWORKS, THE SAFEGUARDING OF THE INTERESTS OF THE OWNERS OF SAID REVENUE BONDS, OTHER MATTERS CONNECTED THEREWITH, INCLUDING THE ISSUANCE OF NOTES IN ANTICIPATION OF BONDS, AND REPEALING ORDINANCES INCONSISTENT HEREWITH

Councilmember Schmidt moved that Ordinance No. 29, 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.

Steve Poulos – This Ordinance authorizes the issuance of Revenue Bonds in an amount not to exceed \$23 Million Dollars and if necessary, bond anticipation notes in an amount not to exceed Six Million Dollars. Phase II consists of four new wells.

Motion: Councilmember Schmidt moved to adopt Ordinance No. 29, 2022. Councilmember Reed seconded the motion. Upon roll call vote the motion to adopt Ordinance No 29, 2022 passed with a 7-0 vote.

ORDINANCE NO. 1, 2023

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

Councilmember Schmidt moved that Ordinance No. 1, 2023 be read a first time and considered on first reading. Councilmember Reed seconded the motion. Clerk-Treasurer Taylor read Ordinance No. 1, 2023.

Clerk-Treasurer Taylor – This is an annual Ordinance. This year she is transferring \$175,000.00. This will cover any need for demolition.

Councilmember Cotton – Is this amount higher than usual.

Clerk-Treasurer Taylor – It is higher. There are some expected demolitions this year.

MOTION: Councilmember Schmidt moved to carry Ordinance No. 1, 2023 to the January 23, 2023 meeting. Councilmember Reed seconded the motion. The motion passed with a 7-0 voice vote.

ORDINANCE NO. 2, 2023

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

Councilmember Schmidt moved that Ordinance No. 2, 2023 be read a first time and considered on first reading. Councilmember Reed seconded the motion. Clerk-Treasurer Taylor read Ordinance No. 2, 2023.

Clerk-Treasurer Taylor – This is an Ordinance transferring funds to cover the additional bonus given to employees from ARPA money. The raise approved by the Council in October raised the bonus from \$500 to \$1,000.

MOTION: Councilmember Schmidt moved to carry Ordinance No. 2, 2023 to the January 23, 2023 meeting. Councilmember Reed seconded the motion. The motion passed with a 7-0 voice vote.

ORDINANCE NO. 3, 2023

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

Councilmember Schmidt moved that Ordinance No. 3, 2023 be read a first time and considered on first reading. Councilmember Reed seconded the motion. Clerk-Treasurer Taylor read Ordinance No. 3, 2023.

Clerk-Treasurer Taylor – This is an Ordinance transferring funds to pay for inspectors and supplies. The money is generated by inspections.

Councilmember Cotton – How many inspectors are there?

Chief Dutz – There are eight inspectors. All are firefighters with the City and do this job as a parttime job on their off days.

MOTION: Councilmember Schmidt moved to carry Ordinance No. 3, 2023 to the January 23, 2023 meeting. Councilmember Reed seconded the motion. The motion passed with a 7-0 voice vote.

ORDINANCE NO. 4, 2023

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

Councilmember Schmidt moved that Ordinance No. 4, 2023 be read a first time and considered on first reading. Councilmember Reed seconded the motion. Clerk-Treasurer Taylor read Ordinance No. 4, 2023.

Clerk-Treasurer Taylor – These funds come from the RDC. It is an annual appropriation which is limited to squad cars for the Police Department.

Councilmember Cotton – Is the City looking at purchasing sustainable energy green vehicles?

Chief McIntyre – By law they are required to have pursuit rated vehicles. He will investigate it.

MOTION: Councilmember Schmidt moved to carry Ordinance No. 4, 2023 to the January 23, 2023 meeting. Councilmember Reed seconded the motion. The motion passed with a 7-0 voice vote.

ORDINANCE NO. 5, 2023

AN ORDINANCE APPROPRIATING FUNDS IN THE AMERICAN RESCUE PLAN ACT (ARPA) FUND AND PROVIDING FOR PUBLICATION OF NOTICE

Councilmember Schmidt moved that Ordinance No. 5, 2023 be read a first time and considered on first reading. Councilmember Reed seconded the motion. Clerk-Treasurer Taylor read Ordinance No. 5, 2023.

Clerk-Treasurer Taylor – ARPA funds do not carry from year to year. This Ordinance appropriates ARPA funds for 2023. She has been paying the not-for-profit organizations that are recipients of the funds

Councilmember Cotton – He would like to know the amount still due to the non-profits. He would like to know the balance of the ARPA funds that have not been designated to a project. A few nights ago he went to a Public Hearing where NIPSCO is asking for \$20 more per month. They are being pushed to go more toward sustainable energy. There is still about \$1.5 Million of ARPA Funds not designated. He feels it would be a wonderful gesture to make an amendment to the Ordinance to defray some of the expense from the bonds etc. This is a qualified use of ARPA money.

Clerk-Treasurer Taylor – Resolution 10, 2022 in June or July of 2022 the Council body approved expenditures of all the ARPA funds. There is no money left over.

Councilmember Cotton – He was told they could amend this at any time. He is asking for an amendment to that particularly due to the outsized amount they utilized in one area that does not have anything to do with the people hardest hit. This will not hurt the park. This will be an expression of being good stewards of the money sent.

Clerk-Treasurer Taylor – She wants to make clear that as the Plan has been adopted in June or July of 2022, there is no \$1.5 Million left over. The Council can amend the document.

Councilmember Cotton – Besides the \$6 Million for the land for the park where did the rest go.

Clerk-Treasurer Taylor – The premium pay, the not-for-profits, consultants, reimbursement

funds.

Attorney Lyp – He will provide a copy of the Plan showing the full amount was allocated. If there are any changes someone wishes to make, they can bring it up at the next meeting.

MOTION: Councilmember Schmidt moved to carry Ordinance No. 5, 2023 to the January 23, 2023 meeting. Councilmember Reed seconded the motion. The motion passed with a 7-0 voice vote.

TRASH AND RECYCLING

Steve Poulos – The City and Committee have made a commitment to provide high level service at a reasonable price without operating at the yearly \$1 Million loss that the General Fund was subsidizing. The rates have been raised to a level that is lower than our neighboring communities. We have stayed away from privatization. The Utilities have reduced recycling to every other week. It is cheaper to landfill versus recycling. Over the next six months the City will be working to educate the public on correct recycling. As of today's date, they have only had 12 requests for additional totes. A grant for \$12,000 has been received from IDEM. Pratt may find a way to do dual stream versus single stream. They will evaluate this over the next year. This does not increase the rate so any changes can be done at the Board of Works.

Councilmember Pupillo – This is a good happy medium.

Councilmember Cotton – He does not want see recycling eliminated anywhere. Someone should talk to the businesses and make sure they have a recycling program.

Councilmember Costas – A lot of the commercial buildings do not have room for a recycling dumpster and a garbage dumpster. The totes are great. As a business it saved a couple of hundred dollars a month.

Steve Poulos – He appreciates those conversations. Hopefully conversations with Pratt and going to a dual

fee. Another challenge they have is servicing private roads. They are to have a waiver of liability if they are going to take their trucks on these roads.

Councilmember Costas – What is the cost per tote per month?

Steve Poulos – It depends on the need. If not a trash customer and just recycling, the cost of recycling changes every month. A formula would have to be developed to adjust for the change.

Councilmember Costas – How would commercial users put in a request for a tote?

Steve Poulos – They are finalizing an application. That would be brought before the Board of Works for approval.

Councilmember Reed – It might be helpful to have an example of the number of bins each business might have. There are smaller operations that might go with City pick up but the unknown is what keeps them away. Is there anything in place for people who continually recycle incorrectly?

Steve Poulos – The education they will be putting out over the next six months will include options. Other places have teams that go out and go through the recycling totes, pull what is not recyclable, put it in a clear plastic bag, tie it, tag it and fine you. Then lay it in your front yard. An option is to pull the recycle tote of repeat offenders.

Councilmember Cotton – Is Homewood recycling the only purveyor who picks it up?

Steve Poulos - They are the transfer station on Hwy 49. They separate the recyclable and landfill. The other option is going to Chesterton.

Councilmember Pupillo – Asked about the schools and recycling.

Steve Poulos – There are 15 schools. Letters were sent to 39 locations. The schools generate 8% to 10% of the total recyclables. He is working on some solutions that are cost effective. They will decide if they want to stay on as a contract with the City or if it is more beneficial for them to get larger dumpsters and contract that out with their trash waste hauler.

Councilmember Reed – What are the brown lids for?

Steve Poulos – Those are old and were intended to be used for brush.

COMMUNITY UPDATE

Attorney Patrick Lyp – On December 22nd a Site Review meeting was held regarding the Puppy Emporium. The City does not issue business licenses. If the business is legal and they meet all the City requirements, they are free to conduct their business within the City. He has done some research and found that other communities in northwest Indiana have adopted ordinances in line with the Northwest Indiana Humane Society. It appears the business is handling things appropriately. The City is in communication with the owner. He will give additional information to the Council.

The City has received \$802,000 in an Opioid Settlement. Payments will be made in 2022 and continue until 2038. There are restrictions regarding how the funds can be spent.

Councilmember Anderson – He is putting together a meeting to be held on January 17th from 6-8. Presenters will be members of the community that can talk to the Council about where the funds would be most useful.

COUNCIL LIAISON

Councilmember Cotton – He believes the 17th is too close of a window for the opioid presentation. He requested a broader public outreach and extend the presentation one week or so. He is concerned about the structural integrity of a street. When No heavy truck signs are up for 27 years, there probably is a reason. If you look at the street you can see it needs repair. He would like to know the structural specs and what underlies that street.

Councilmember Costas – RDC meets Thursday. There are two new members. He got an email regarding the water issues going on and being so close to the airport. The person wanted to know if the jet fuel would affect the water. They should look for the best solution for Yellowstone. There could be signage about the school zone.

Councilmember Pupillo – The Fire Department has had promotions. The Police Department has a new Chief.

Councilmember Reed – The school did a big celebration for the State Champion football team. The next School Board meeting is January 26th. She suggested that Yellowstone be made one way for heavy trucks. It needs repair. She got the same email as Councilmember Costas regarding water. She contacted Steve Poulos and he advised they will be looking at other sources of water.

PUBLIC COMMENTS

Kevin Cornett – 452 Northview. At Hilltop they installed two Narcan containers. They will keep 15-20 Narcan containers in them. They will be free to the public. Citizens have subsidized recycling businesses for years. Now the City has cut its recycling to businesses and raised rates. The City needs to make sure the businesses have a recycling program.

Spencer Schafer – 325 Dyer. If the Puppy Emporium is a shelter, that is good. If it is a puppy mill, that is bad.

Mary Abraitus -605 Yellowstone. Requested No Through Trucks signs be reinstalled on Yellowstone. This is a conflict of public safety, public health, environmental and traffic. The Council is to represent the residents. The simplest resolution is to reestablish the No Through Truck signs and limit municipal access pattern on Yellowstone Road and go to the alternate truck routes.

Andrew Mullin – 1207 Sturdy Road. On November 28th his ex-wife and 6-year-old daughter were hit in the crosswalk at Cooks Corners School. Looking at the intersection where this accident happened, it is obvious that pedestrian safety is an afterthought. Right turn on red should not be allowed and pedestrian leading indicators should be installed.

Kaitlyn Sacks – 3109 Winter Garden Drive. Is the Puppy Emporium matter being tabled? Attorney Lyp replied he wants the public to know the City is communicating with the owner. Kaitlyn stated this business should be banned. Each surrendered animal costs the taxpayers. The leading cause of death in dogs is euthanasia. Many residents spend hours trying to find lost dogs. Shelters are running out of room.

Jessica Gnemik – 915 State Street (Outside of City). Most of these stores get their dogs from puppy mills. There are about 383 breeders registered. Reviews are not often done. Many of the dogs are sick. She wants to stop these breeders. They are moving to Indiana because they are not regulated.

Jennifer Sacks -3109 Winter Garden Drive. At the next meeting she would like to know who's problem is the animal homelessness?

Dawn Miller – Valparaiso. NIPSCO held a Public Hearing on their request to raise rates. Councilmember Cotton was the only Councilmember at the meeting. Citizens are given until January 13th to comment on the rate increase.

Kenard Taylor – 306 Napoleon Street. Everyone talks about being energy efficient and using sources that are renewable. That comes with a cost. People say to take it out of the dividends. Those shares are mainly owned by people who have them as retirement plans. Recycling versus landfill is very expensive. Recycling is made into new products. It must be clean. The education on this is very important. All must live up to their responsibility.

Barbara Domer – 614 Yellowstone Road. She has lived on Yellowstone for 27 years. The No Through Trucks signs were up all 27 of the years. The signs were taken down with no notice to residents. They were taken down for the City vehicles to get to the landfill. The heavy truck traffic is causing an increased risk to the safety of residents and pedestrians which includes children riding bikes to and from Memorial and Ben Franklin schools. The road is not in good condition. A piece of asphalt flew 11' out of the road onto the sidewalk. It is not safe. She demands reinstatement of the signs.

Michelle – US Highway 6. Valparaiso has pet stores. Neither sells animals. Both work with rescues. There needs to be an effort to find homes for rescues.

Holly Mills - Burlington Beach Road. Other communities have banned puppy stores.

The meeting adjourned at 8:31 p.m.

/s/ Holly Taylor, Clerk-Treasurer