

**MINUTES OF THE MEETING
OF THE COMMON COUNCIL
VALPARAISO, INDIANA
February 13, 2023**

The Common Council of the City of Valparaiso, Indiana, met on Monday February 13, 2023 at 6:00 p.m. in City Hall. Council President Casey Schmidt called the meeting to order. The Pledge of Allegiance was said. Present were Councilmembers Cotton, Schmidt, Pupillo, Peterson, Anderson, and Costas. Councilmember Reed was absent. Mayor Murphy was absent.

MINUTES

MOTION: Councilmember Cotton moved to adopt minutes of the January 23, 2023 meeting. Councilmember Anderson seconded the motion. Upon voice vote the motion passed with a 6-0 vote.

ORDINANCE NO. 6, 2023

**AN ORDINANCE APPROPRIATING FUNDS IN THE FORFEITURE & SEIZED ASSETS
FUND AND PROVIDING FOR PUBLICATION OF NOTICE**

Councilmember Peterson moved that Ordinance No. 6, 2023 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 Cotton seconded the motion. Deputy Clerk-Treasurer Cook read Ordinance No. 6, 2023.

Public Hearing

Councilmember Schmidt announced Ordinance No. 6, 2023 requires a Public Hearing and presented Proof of Publication that at tonight's meeting the Council will hear comments on the appropriation of \$30,000 in the Forfeiture & Seized Assets Fund. Seeing no one wishing to address the Council, he declared the Public Hearing closed.

MOTION: Councilmember Peterson moved to adopt Ordinance No. 6, 2023. Councilmember Cotton seconded the motion. The motion passed with a 6-0 roll call vote.

ORDINANCE NO. 7, 2023

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF VALPARAISO

Councilmember Peterson moved that Ordinance No. 7, 2023 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 Pupillo seconded the motion. Deputy Clerk-Treasurer Cook read the Ordinance.

Beth Shrader advised this is the second reading of the Burlington Beach Memorial Parkway Rezone. If there are any questions she will answer them.

MOTION: Councilmember Peterson moved to adopt Ordinance No. 7, 2023. Councilmember Cotton seconded the motion. The motion passed with a 6-0 roll call vote.

ORDINANCE NO. 8, 2023

AN ORDINANCE APPROPRIATING FUNDS IN THE CUMULATIVE SEWER FUND AND

PROVIDING FOR PUBLICATION OF NOTICE

Councilmember Peterson moved that Ordinance No. 8, 2023 be read a first time and considered on first reading. Councilmember Costas seconded the motion. Deputy Clerk-Treasurer Cook read Ordinance No. 8, 2023.

Mike Jabo addressed the Council. In 2022 the Council adopted Ordinance No. 11, 2022. That Ordinance appropriated \$655,000 for construction of sanitary sewers to replace old and outdated sewers in the area of Campbell, Boundary and Daly Streets. That project was never kicked off. They are going to do it early this year. The funds need to be reappropriated. Due to the environment, he is increasing the amount by \$50,000. Any unused funds go back into the Cumulative Sewer Fund.

Councilmember Cotton - What constitutes Services and Other Charges.

Mike Jabo – Design fees, test fees, inspection fees and the like.

Councilmember Cotton – Based on prior experience you are able to say that \$105,000 is enough?

Mike Jabo – It is a guess but he is comfortable with it.

Councilmember Anderson – What is the general purpose of the rest of the money?

Mike Jabo – It is used for replacement of an existing sewer system.

Steve Poulos – They receive tap on fees on a daily basis. This is an accumulation of those fees.

MOTION: Councilmember Peterson moved to carry Ordinance No. 8, 2023 to the February 27, 2023 meeting. Councilmember Cotton seconded the motion. The motion passed with a 6-0 voice vote.

ORDINANCE NO. 9, 2023

AN ORDINANCE PROHIBITING THE SALE OF DOGS OR CATS BY RETAIL PET STORES BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VALPARAISO, INDIANA

Councilmember Peterson moved that Ordinance No. 9, 2023 be read a first time and considered on first reading. Councilmember Cotton seconded the motion. Deputy Clerk-Treasurer Cook read Ordinance No. 9, 2023.

Attorney Lyp addressed the Council. Earlier this year Puppy Emporium opened in the City. Concerns were raised primarily about the concept of selling the puppies. The only issue disclosed to him was that the owner would not disclose the name of the breeders she purchased puppies from. She is under no obligation to do so. The proposed Ordinance looks prospectively to any additional businesses that wish to come to our community to do a similar or comparable business. Puppy Emporium is exempt from the Ordinance. It also exempts any animal shelters or animal rescue organizations. It looks primarily to the retail sale of cats and dogs. One thing the attorney for the Puppy Emporium requested is in subpart (e) it talks about the grandfathering or the exemption of the Puppy Emporium. The Ordinance says if the Puppy Emporium “ceases” operations for 30 days. The attorney has requested that “cease” be switched to “abandoned”. This would allow for cases such as covid where a business may shut down involuntarily as opposed to voluntarily. The Council does not have to make that decision tonight. At the next meeting they can move to amend if this is something they want. Attorney Lyp also advised there are two bills before the State Legislature which would strip cities and towns of their ability to regulate the sale of cats and dogs in the community. Attorney Lyp recognized Samantha Chapman who is the State Director of the Humane Society. She was a great resource in putting together this Ordinance.

Councilmember Anderson – He asked for an explanation of the State bills.

Attorney Lyp – There are two pending. Both would do essentially the same thing. If a person is in the business of selling puppies or kittens and sees communities beginning to adopt ordinances, one way to circumvent that is to go down state and have authority of local cities and towns preempted and have state law specifically exclude that.

Councilmember Cotton – He is concerned that the State can pre-empt local rule. He thinks 30 days is inconsistent with what is generally afforded to a business that is non-conforming and grandfathered. The amount of time given to other businesses before they are no longer exempt under the non-conforming standard is up to six months. It sounds like 30 days is an onerous burden and not consistent with what we do. He would like to see this body extend that period of time to six months. He doesn't think the City wants to be seen as harsh and unfair. He likes the Ordinance. He just has the one problem.

Attorney Lyp – In terms of the Zoning Code a zone can change and a business which was once allowed is no longer allowed. The term we use is legal non-conforming. If that use is not continued for six months then it is deemed to be abandoned. By adopting this Ordinance to a certain degree you are taking the position that all things being equal you prefer not to have this within the City. The question comes down to how you view this activity. You can do six months. You can do “cease operations” versus “abandon operations”. Fundamentally this comes down to how you view this activity and if you want to be more restrictive on 30 days or less restrictive for six months.

Councilmember Cotton – He just wants to be fair.

Councilmember Anderson – Did the attorney object to the 30 days or just the circumstance?

Attorney Lyp – The only discussion they had was on the 30 days and having “cease” versus “abandon”.

Councilmember Pupillo – They didn't have an issue with the 30 days versus six months or was he just not aware?

Attorney Lyp – Our conversation focused on what would happen if covid came again and things closed down again. Would his client be impacted because she had to close down. He understands voluntary versus involuntary. He does not feel changing to abandoned would be unreasonable and would be consistent with not penalizing someone for an action they have to take involuntarily.

MOTION: Councilmember Peterson moved to carry Ordinance No. 9, 2023 to the February 27, 2023 meeting. Councilmember Cotton seconded the motion. The motion passed with a 6-0 voice vote.

COMMUNITY UPDATE

Attorney Lyp updated the Council on the property located at 1425 Glendale. This property is in receivership. There is a proposed sale. The sale amount will cover all contractors and suppliers. There is additional litigation regarding the use of the property. The City has taken the stance that two years is enough time on the resolution of this project and it should be wrapped up.

COUNCIL LIAISON

Councilmember Cotton – While researching the Yellowstone Road issue he has learned that Yellowstone is part of the historic Yellowstone Trail. Maybe that is why some earlier Council had the No Truck Traffic signs put up. He cannot find an explanation of the weight issue with the bridge on Campbell.

Councilmember Peterson – The Park Board met January 25th. The Annual Report was presented. The demand for golf remains high. The skateboard park should be under way soon.

Councilmember Costas – The Urschel Hotel is underway. Work should begin on the parking lot connected with the Linc project soon.

Councilmember Pupillo – The Fire Department had a Promotion Ceremony tonight prior to the Council meeting. Chief McIntyre and Superintendent McCall have advised they are adding two more school resource officers. Currently VCS has three school resource officers. Portage has five and Duneland has six. The VPD has and will continue to cover costs of this operation but would like to see the School Corporation take on some of the cost. The School Board meeting will be Thursday.

Councilmember Schmidt – Congratulations to the firefighters. He supports what Councilmember Pupillo said about the schools.

Councilmember Cotton – Asked Chief McIntyre if two new positions will cover everything. Chief McIntyre responded yes.

PUBLIC COMMENTS

Barb Domer – 614 Yellowstone. She has heard the changes being made on Yellowstone. These are a start but are not enough. She read the 2019 BOW minutes where the No Through Trucks signs were allowed to be taken down. There were two reasons given. The weight of trucks on the bridge on Campbell street, and on Froberg the site line for pulling out onto Highway 130. The situation at Froberg and 130 has been corrected with a traffic signal. She was informed that the County maintains the bridges in the City. She reached out to the County. Commissioner Regnitz assured her that Campbell Street bridge is safe and there are no issues with trucks and weights on the bridge. There has to be another reason why the signs were removed. The reason she found was Mike Jabo said if the trucks come down Campbell they will go through downtown. So why not? Maybe it is the residents on Campbell and Lincolnway that do not want the truck traffic, pollution and dust going into their homes. The Council can have the No Through Truck signs put back up.

Kathy Watts – 2518 Eisenhower. No decision should be made without hearing from those affected by the decision. There are housing challenges for the working disabled individuals. Ramps in sidewalks have been installed. Mothers with strollers, elderly with walkers, runners, and bike riders are all people who use them. They are convenient. She is asking for the affected to be invited into the policies and discussions. What about asking the Linc to build one or two accessible apartments in exchange for their TIF dollars. Ask a person in Jamestown how difficult it is to get to a doctor appointment, then pick up your medicine from CVS and then get back home.

Michelle - 428 East US Highway 6. Ordinance No, 9, 2023 is needed. Future stores should be banned from selling kittens and puppies.

Walt Breitinger – 608 Academy. He received a call from a lady saying Salt Creek was muddy downstream from Journeyman. He went to the site and saw that the silt fences were not installed correctly or had been torn down and mud was running over the fence into the wetlands and then into Salt Creek. There was a lot of silt in the creek.

Mary Abraitus – 605 Yellowstone. The issue is taking the No Through Truck signs down. The City intentionally shifted from the existing truck route on Campbell Street because of St. Paul Square. The report does not take into account the feelings of the people it affects on Yellowstone. They may have to declare themselves endangered species. Thank you Mr. Cotton. She discussed an accident that happened on Yellowstone and the issues and costs involved.

The meeting adjourned at 6:55 p.m.

/s/ Holly Taylor, Clerk-Treasurer

ORDINANCE NO. 26, 2022**AN ORDINANCE ANNEXING CERTAIN TERRITORY TO THE CITY OF VALPARAISO, INDIANA, PLACING THE SAME WITHIN THE CORPORATE BOUNDARIES THEREOF AND MAKING THE SAME A PART OF THE CITY OF VALPARAISO, INDIANA (THE "IN-49 & VALE PARK RD ANNEXATION")**

WHEREAS, the Common Council (the "Council") of the City of Valparaiso, Indiana (the "City") has investigated annexation of property east of its existing border; and

WHEREAS, pursuant to IC 36-4-3-5, the legislative body of a municipality may, by ordinance, annex territory that is contiguous to the municipality, subject to certain limitations; and

WHEREAS, pursuant to IC 36-4-3-1.7, a municipality must conduct an outreach program consisting of at least three (3) public information meetings to provide citizens with information regarding the proposed annexation; and

WHEREAS, City officials have conducted such outreach meetings and have provided citizens with information regarding the proposed annexation as required by IC 36-4-3-1.7; and

WHEREAS, responsible planning and State law require adoption of a written fiscal plan and a definite policy for the provision of services to the annexed areas; and

WHEREAS, this Council has previously adopted by resolution a written fiscal plan and definite policy for the provision of municipal services pursuant to Resolution No. 19, 2022 (the "Fiscal Plan"); and

WHEREAS, Exhibit A is a legal description of the territory to be annexed, which territory consists of approximately 203 acres ("Annexation Territory"); and

WHEREAS, Exhibit A also includes a map of the Annexation Territory; and

WHEREAS, the Annexation Territory is at least one-eighth (1/8) contiguous to the existing corporate boundaries of the City; and

WHEREAS, on or about November 1, 2022, the City's Plan Commission at a public meeting considered the initial zoning of the Annexation Territory; and

WHEREAS, on or about November 1, 2022, the City's Plan Commission voted of 9-0 to favorably recommend the Annexation Territory be assigned the zoning districts as shown on Exhibit A; and

WHEREAS, this Ordinance has been adopted following a duly noticed public hearing; and

WHEREAS, this Council has determined to annex the Annexation Territory pursuant to the terms of this Ordinance.

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

1. The above recitals, including Exhibit A, are incorporated herein by reference as though fully set forth herein below. Two copies of Exhibit A shall be kept on file with the Clerk for public inspection.
2. In accordance with IC 36-4-3-5, the Annexation Territory is hereby annexed to the City of Valparaiso and thereby included within its corporate boundaries pursuant to the terms of this Ordinance.
3. To the extent the Annexation Territory includes land contiguous to public highways, the Annexation Territory shall include the contiguous areas of the public highway and public highway rights-of-way as required by IC 36-4-3-2.5.
4. The Annexation Territory is hereby assigned to Common Council District No. 5.
5. The paragraphs, sentences and words of this Ordinance are severable, and if any portion hereof is declared unconstitutional, invalid or unenforceable by a court of competent jurisdiction, such declaration shall not affect the remaining portions of this Ordinance.
6. All prior Ordinances or parts thereof which may be inconsistent with any provision of this Ordinance are hereby repealed.

DULY PASSED AND ADOPTED this __ day of _____, 2023, by the Common Council of the City of Valparaiso, Porter County, Indiana, having been passed by a vote of ___ in favor and ___ opposed.

Matthew R. Murphy, Mayor

ATTEST:

Holly Taylor, Clerk-Treasurer

Presented by me to the Mayor of the City of Valparaiso, Indiana, this ____ day of _____, 2023 at the hour of _____ o'clock P.M.

Holly Taylor, Clerk-Treasurer

Exhibit A – Annexation Territory

LEGAL DESCRIPTION IN-49 & VALE PARK ROAD ANNEXATION

An irregularly shaped parcel land in and around the State Road 49 Vale Park Road interchange proposed for annexation by the City of Valparaiso; said parcel is located within Sections 8 and 17, all in Township 35 North, Range 5 West of the Second Principal Meridian, in Porter County, Indiana, and is more particularly described as:

See Attached “Exhibit B” for Annexation Map.

The SE $\frac{1}{4}$ of Section 8 Township 35 North, Range 5 West EXCEPTING therefrom:

- (1) the East 40 Acres of said SE $\frac{1}{4}$, also known as Meadowbrook Subdivision (Plat Book 39-F-4 / Doc. #2001-005129).

Three Vansland LLC properties located in the NW $\frac{1}{4}$ of Section 17 Township 35 North, Range 5 West, and more particularly described as Porter County Parcels:

- (1) 64-10-17-101-002.000-020 (5 Acres) and described as Parcel 9 of Quit Claim Deed 2009-034179. (See Exhibit C)
- (2) 64-10-17-176-001.000-020 (3.337 Acres) and described as Parcel 10 of Quit Claim Deed 2009-034179. (See Exhibit C)
- (3) 64-10-17-126-001.000-020 (1.552 Acres) and described as Parcel 11 of Quit Claim Deed 2009-034179. (See Exhibit C)

As a point of clarification to existing Valparaiso Corporate Limits, this annexation also includes all the state-owned parcels, state rights-of-way and all of Vale Park Road (C.R. 400 North) rights-of-way located within:

- (1) The SW $\frac{1}{4}$ of Section 8 Township 35 North, Range 5 West.
- (2) The SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of said Section 8.
- (3) The NW $\frac{1}{4}$ of Section 17 Township 35 North, Range 5 West.
- (4) The NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ in said Section 17.

that were not previously annexed to the City of Valparaiso from the eight prior annexation ordinances listed and more particularly described below:

- (1) Ordinance 46, 1989 (Deed Book 123 Page 341) in said Recorder’s Office.
- (2) Ordinance 3, 2000 (Document 2000-0017138) in said Recorder’s Office
- (3) Ordinance 10, 2000 (Document 2000-019984) in said Recorder’s Office
- (4) Ordinance 59, 2005 (Document 2005-001527) in said Recorder’s Office
- (5) Ordinance 19, 2006 (Document 2006-013745) in said Recorder’s Office

- (6) Ordinance 33, 2008 (Document 2008-031905) in said Recorder's Office
- (7) Ordinance 7, 2014 (Document 2014-006758) in said Recorder's Office
- (8) Ordinance 26, 2015 (Document 2016-005848) in said Recorder's Office

As a second point of clarification to said corporate limits, this annexation also includes any additional property(s) and right-of-way(s) within NW $\frac{1}{4}$, of the NW $\frac{1}{4}$ of Section 17, Township 35 North, Range West that were not previously annexed to the City of Valparaiso in said Ordinance 33, 2008.

Said annexation contains approximately 203 Acres, more-or-less.

Prepared by:

City Engineer's Office
City of Valparaiso
September 2022

GR

SR

TANAGER ST.

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STREAMWOOD DR

- ==••== Memorial Parkway Proposed
- Alignment Parcel Lines
- IN49_V31eParkRd_Annexation
- ik City Limits
- i,,,f SR - Suburban Residential
- GR- Residential, General
- PS - Public Space
- RU- Rural
- CA-Campus

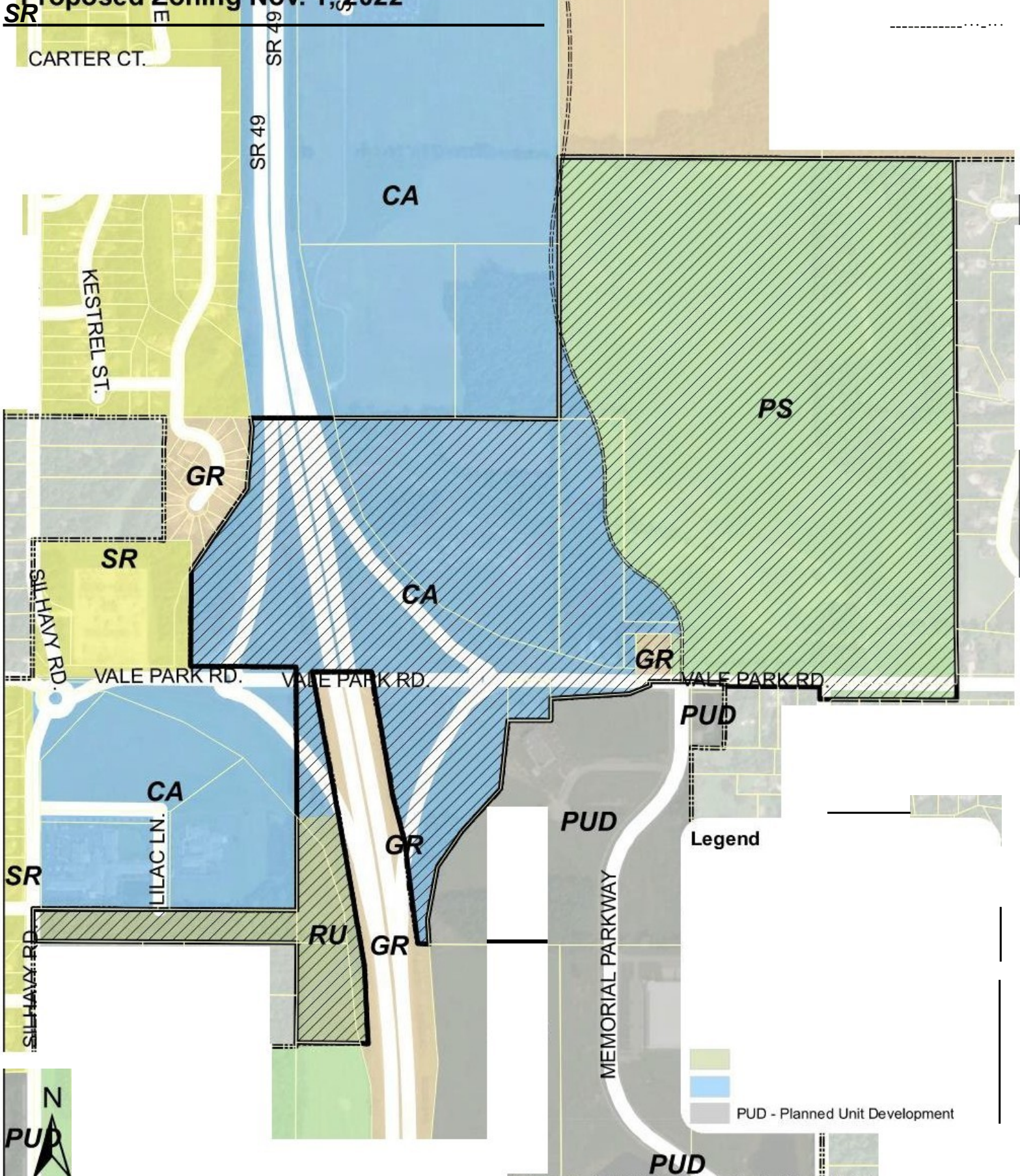
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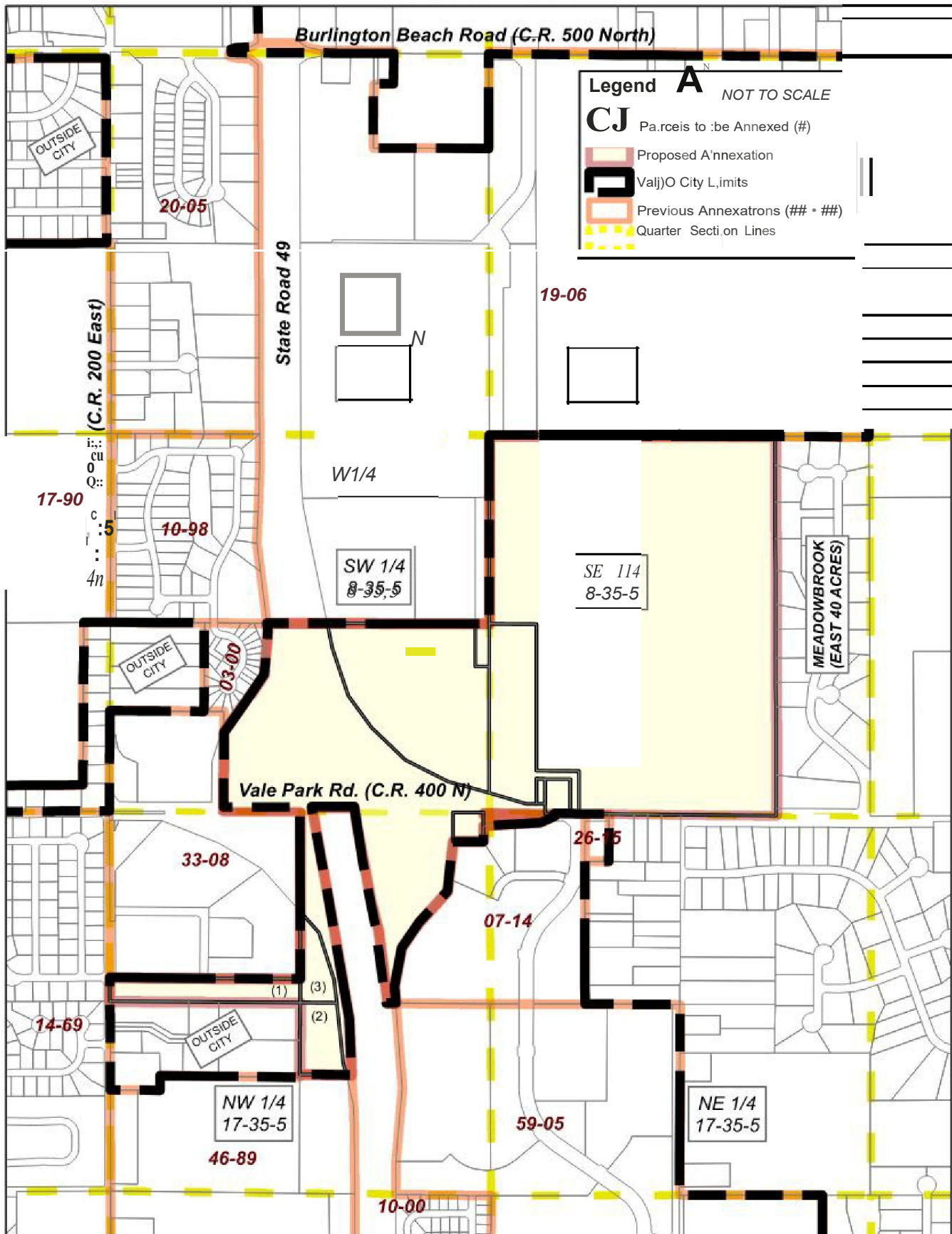
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Exhibit A: IN-49 & Vale Park Rd Annexation Area Proposed Zoning Nov. 1, 2022



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNR, USDA, USGS, AeroGRID, IGN, and the GIS User Community

**Exhibit A -
Annexation Territory**



5

2009-034179

STATE OF INDIANA
PORTER COUNTY
FILED FOR RECORD
12/30/2009 10:46AM
LINDA D. TRINKLER
RECORDER

REC FEE: \$24.00
PAGES: 5

Mail Tax Bills To:
Vansland LLC
c/o James Bozik
56 S Washington Street
Suite 401
Valparaiso, IN 46383

QUITCLAIM DEED

THIS INDENTURE WITNESSETH that DONALD J. VANDERTOLL and JEANETTE E. VANDERTOLL, as their interests may appear, of 13901 River Glen Lane, City of Prospect, State of Kentucky;

Release and Quit Claim to VANSLAND, LLC, an Indiana Limited Liability Company, of Porter County, State of Indiana, the following described real estate in Porter County, State of Indiana, to-wit:

PARCEL 1: *615 64-10-17-451-001, 000-029*

The West 40 acres of the South 60 acres of the West Half of the Southeast Quarter of Section 17, Township 35 North, Range 5 West of the Second Principal Meridian, in Porter County, Indiana;
EXCEPTING THEREFROM the South 208 feet of said West 40 acres;
AND ALSO EXCEPTING THEREFROM the North 95 feet of the South 303 feet of the West 210 feet of said West 40 acres.

PARCEL 2: *615 64-10-17-177-001, 000-029*

That part of the Southeast Quarter of the Northwest Quarter of Section 17, Township 35 North, Range 5 West of the Second Principal Meridian, in Porter County, Indiana, lying East of the East line of Indiana State Road 49, said line described as follows:
Commencing at the Southeast corner of said Southeast Quarter of the Northwest Quarter; thence North 89 degrees 09 minutes 30 seconds West, along the South line of said Quarter Quarter Section, 662.54 feet to the East boundary of Indiana State Road 49, and the POINT OF BEGINNING of said described line;
thence North 00 degrees 17 minutes 00 seconds East, along said boundary of Indiana State Road 49, 233.21 feet; thence North 05 degrees 04 minutes 46 seconds East, along said boundary, 512.11 feet; thence North 04 degrees 16 minutes 02 seconds West, along said boundary, 585.64 feet to the North line of said Southeast Quarter of the Northwest Quarter and the point of termination of said line.

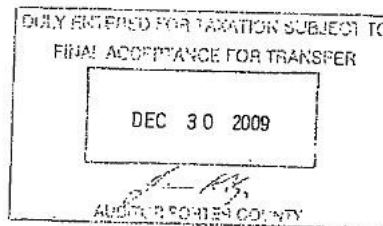
PARCEL 3: *615 64-10-17-200-021, 000-029*

The Southwest Quarter of the Northeast Quarter of Section 17, Township 35 North, Range 5 West of the Second Principal Meridian, in Porter County, Indiana.

29/24

BTBH ✓

Sales Disclosure **NOT** Required
Porter County Assessor



200
\$100 SB

PARCEL 4: *615 64-10-17-426-001,000-029*
The North 2/3 of the West 3/4 of the Northeast Quarter of the Southeast Quarter of Section 17, Township 35 North, Range 5 West of the Second Principal Meridian, in Porter County, Indiana.

PARCEL 5: *615 64-10-17-401-001,000-029*
The North Half of the Northwest Quarter of the Southeast Quarter of Section 17, Township 35 North, Range 5 West of the Second Principal Meridian, in Porter County, Indiana;
EXCEPTING THEREFROM that part, if any, of the two tracks of real estate described as follows, lying within said North Half:
a) The North 260.0 feet of the South 2249.8 feet of the East 220.0 feet of the West Half of the Southeast Quarter of Section 17, Township 35 North, Range 5 West of the Second Principal Meridian, in Porter County, Indiana.
b) The North 180.0 feet of the South 1989.8 feet of the East 242.0 feet of the West Half of the Southeast Quarter of Section 17, Township 35 North, Range 5 West of the Second Principal Meridian, in Porter County, Indiana.

PARCEL 6: *615 64-10-17-401-003,000-029*
That part of the real estate described as follows lying within the South 60 acres of the West Half of the Southeast Quarter of Section 17, Township 35 North, Range 5 West of the Second Principal Meridian, in Porter County, Indiana, to-wit:
The North 180.0 feet of the South 1989.8 feet of the West 198 feet of the East 440 feet of the West Half of the Southeast Quarter of Section 17, Township 35 North, Range 5 West of the Second Principal Meridian, in Porter County, Indiana.

PARCEL 7: *615 64-10-17-400-027,000-029*
A parcel of real estate in the Southeast Quarter of Section 17, Township 35 North, Range 5 West of the Second Principal Meridian, in Porter County, Indiana, described as follows:
BEGINNING at a point 630 feet East of the Southwest corner of the Southeast Quarter of said Section 17; thence North 208 feet; thence East 210 feet; thence South 208 feet; thence West 210 feet to the point of beginning.

PARCEL 8: *615 64-10-17-400-028,000-029*
The South 208 feet of the Southwest Quarter of the Southeast Quarter of Section 17, Township 35 North, Range 5 West, of the Second Principal Meridian in Porter County, Indiana,
EXCEPTING THEREFROM the West 840 feet of said South 208 feet;
AND ALSO EXCEPTING THEREFROM the East 440 feet of said South 208 feet.

PARCEL 9:
The south 10 rods of the Northwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 17,
Township 35 North, Range 5 West of the Second Principal Meridian,
Porter County, Indiana (GIS 64-10-17-101-002.000-020)

PARCEL 10:
That part of the Southeast Quarter of the Northwest Quarter of Section 17,
Township 35 North, Range 5 West of the Second Principal Meridian, in
Porter County, Indiana, lying West of the West line of Indiana State Road 49
(GIS 64-10-17-176-002.000-029 & 64-10-17-176-001.000-020)

PARCEL 11:
That part of the Northeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 17, Township
35 North, Range 5 West of the Second Principal Meridian, Porter County,
Indiana lying West of the West line of Indiana State Road 49
(GIS 64-10-17-126-001.000-020)

PARCEL 12:
One acre of land being 100 feet in width East and West by 435.6 feet in
length North and South out of the Southwest corner of the following
described real estate to-wit: Beginning at the Northeast corner of the
Southeast $\frac{1}{4}$ of section 20, Township 35 North, Range 5 West of the Second
Principal Meridian; thence running South 22 rods to the center of the
Valparaiso-LaPorte Road; thence Westerly along the center of said road,
57.5 rods; thence North 29 rods to the North line of the Southeast Quarter of
said Section 20; thence East to the place of beginning.
(GIS 64-10-20-426-004.000-029)

PARCEL 13:
The West $\frac{1}{2}$ of the following described parcel of land to-wit:
All that part of the East $\frac{1}{2}$ of the Northeast $\frac{1}{4}$ lying North of the Grand
Trunk Western Railroad, excepting therefrom the East 995 feet, in Section
20, Township 35 North, Range 5 West of the Second Principal Meridian.
(GIS 64-10-20-226-001.000-020)

PARCEL 14:
A parcel of land described as beginning at the Northeast corner of the
Southeast $\frac{1}{4}$ of Section 20, Township 35 North, Range 5 West of the Second
Principal Meridian; thence South 22 rods to the center of the Valparaiso-
LaPorte Road; thence Westerly along the center of said road 57.5 rods;
thence North 29 rods to the North line of said $\frac{1}{4}$ section; thence East to the
place of beginning; EXCEPTING therefrom 1 acre in the Southwest corner
thereof, 100 feet in width, East and West, by 435.6 feet in length North and
South. (GIS 64-10-20-426-005.000-029)

PARCEL 15:

The East ½ of the Northeast ¼ of Section 20, Township 35 North, Range 5 West of the Second Principal Meridian, EXCEPT a parcel described as beginning at the Southwest corner of said tract; thence North 60 rods; thence East 22.75 rods; thence South 60 rods; thence West 22.75 rods to the place of beginning. AND EXCEPT the part of said East ½ of the Northeast ¼ lying North of the South line of the Chicago, Grand Trunk and Western Railway. ALSO EXCEPTING any part of the E1/2 of the Northeast ¼ that was platted to Porters Vale Shopping Center.
(GIS 64-10-20-276-002.000-029 & 64-10-20-426-002.000-029 & 64-10-20-276-001.000-029)

PARCEL 16:

The West ½ of the Northeast ¼ of Section 20, Township 15 North, Range 5 West of the 2nd P.M., lying South of the right-of-way of the Grand Trunk and Western Railroad Company. EXCEPTING any of the West ½ of the Northeast ¼ that was platted to Porters Vale Shopping Center.
(GIS 64-10-20-202-001.000-029)

PARCEL 17:

A parcel of land 10 rods square out of the Northwest corner of the West ½ of the Southwest ¼ of Section 21, Township 35 North, Range 5 West of the Second Principal Meridian. (GIS 64-10-21-300-001.000-029)

PARCEL 18:

A strip of land 4 rods in width off the West side of that part of the Northwest ¼ of Section 21, Township 35 North, Range 5 West of the Second Principal Meridian, which lies South of the right of way of the Chicago, Grand Trunk and Western Railway.
(GIS 64-10-21-151-001.000-029)

PARCEL 19:

A parcel of land in the Southwest ¼ of Section 21, Township 35 North, Range 5 West of the Second Principal Meridian, in Porter, County, Indiana, described as follows:
Beginning 256.08 feet south from the Quarter post of the West line of said Section 21, and running thence South 104.94 feet; thence North 82 ½ degrees East, 104.94 feet; thence North 104.94 feet; and thence South 82 ½ degrees West, 104.94 feet to the place of beginning.
(GIS 64-10-21-300-002.000-027)

PARCEL 20:

Lot 12 Porter Vale Shopping Center as Recorded in Porter County Recorder's office Plat File 51-D-1

~~State Road 2 a distance of 400 feet; thence North parallel to said West line 435.6 feet; thence West 400 feet; thence South 435.6 feet to the point of beginning.~~

~~TOGETHER with the permanent extinguishment of all rights and easements of ingress and egress to, from, and across the limited access facility (to be known as Relocated S.R. 40 and as Project ST-089-1(B) and Project ST-089-1(A), to and from the owner's remaining lands where they abut the above-described real estate. This restriction shall be a covenant running with the land and shall be binding on all successors in title to the said abutting lands.~~

~~PARCEL 13:
A parcel of land in the SE 1/4 of Section 17, Township 35 North, Range 5 West of the 2nd P.M. in Washington Township, Porter County, Indiana, described as follows: Commencing at the S.W. corner of said S.E. 1/4; thence East along the South line of said S.E. 1/4, 810.0 feet; to the Point of Beginning; thence continuing East along said South line 30.0 feet; thence North, 238 feet; thence West 630 feet to the East line of the West 210 feet of said SE 1/4; thence South 30 feet; thence East 400 feet; thence 208 feet to the Point of Beginning. D.P. B318-1-190 and B318-1-109.~~

IN WITNESS WHEREOF, the said **DONALD J. VANDERTOLL** and **JEANETTE E. VANDERTOLL**, have hereunto set their hands and seals this 28 day of NOVEMBER 2009.

Donald J. Vandertoll Jeanette E. Vandertoll
DONALD J. VANDERTOLL JEANETTE E. VANDERTOLL

STATE OF INDIANA)
COUNTY OF PORTER)SS

Before me, the undersigned, a Notary Public, in and for said County and State, personally appeared DONALD J. VANDERTOLL and JEANETTE E. VANDERTOLL and acknowledged the execution of said deed to be their voluntary act and deed for the uses and purposes expressed therein.

WITNESS MY HAND AND SEAL THIS 28 day of November 2009.

James S. Bozik
Notary Public
My Comm. Expires: 7/18/2010
County of Residence: PORTER

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each social security number in this document, unless required by law.

Printed Name: JAMES S. BOZIK

Instrument Prepared by: JAMES S. BOZIK, Blachly, Tabor, Bozik & Hartman LLC
56 S. Washington Street, Ste. 401, Valparaiso, IN 46383; PH: 219/464-1041

ORDINANCE #8, 2023

AN ORDINANCE APPROPRIATING FUNDS IN THE CUMULATIVE SEWER 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 Cumulative Sewer Fund for the purpose and use here in after set forth, all for use during the current year of 2023, to-wit:

CUMULATIVE SEWER FUND

Other Services & Charges	\$105,000.00
Improvements Other Than Buildings	\$600,000.00
Total	\$705,000.00

SECTION 2: Appropriations over and above those made during the budget process are allowed under Indiana Code 6-1.1-18-5 and as otherwise provided under Indiana law.

SECTION 3: The City Clerk-Treasurer is requested to provide notice, as outlined under Indiana Code 5-3-1, as to the meeting date and the opportunity of the public to participate in a Public Hearing. Such notice shall be published one time at least ten (10) days prior to the meeting in a Qualified Publication – as such term is defined under Indiana Code 5-3-1-0.7.

SECTION 4: The Public Hearing provided for in Section 3 shall be set for the February 27, 2023 meeting of the Common Council of the City of Valparaiso, at City Hall located at 166 West Lincolnway.

SECTION 5: After the Public Hearing is held in accordance with such notice as herein provided, the Council may approve the proposed appropriation.

SECTION 6: 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 _____, 2023.

Matthew R. Murphy, Mayor

ATTEST:

Holly Taylor, Clerk-Treasurer

Presented by me to the Mayor of the City of Valparaiso, Indiana, this ____ day of _____, 2023 at the hour of _____ o'clock P.M.

Holly Taylor, Clerk-Treasurer

This Ordinance approved and signed by me this ____ day of _____, 2023 at the hour of _____ o'clock P. M.

Matthew R. Murphy, Mayor

ORDINANCE NO. 9, 2023**AN ORDINANCE PROHIBITING THE SALE OF DOGS OR CATS BY RETAIL
PET STORES****BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VALPARAISO,
INDIANA**

WHEREAS, A significant number of puppies and kittens sold at pet shops come from large- scale, commercial breeding facilities where the health and welfare of the animals are not adequately provided for (“puppy mills” and “kitten mills,” respectively). According to The Humane Society of the United States, it is estimated that 10,000 puppy mills produce more than 2,400,000 puppies a year in the United States and that most pet shop dogs and cats come from puppy mills and kitten mills.

WHEREAS, The documented abuses endemic to puppy and kitten mills include over-breeding; inbreeding; minimal to non-existent veterinary care; lack of adequate and nutritious food, water and shelter; lack of socialization; lack of adequate space; and lack of adequate exercise.

WHEREAS, The inhumane conditions in puppy and kitten mill facilities lead to health and behavioral issues in the animals bred in those facilities, which many consumers are unaware of when purchasing animals from pet shops due to both a lack of education on the issue and misleading tactics of pet shops in some cases. These health and behavioral issues, which may not present themselves until sometime after the purchase of the animals, can impose exorbitant financial and emotional costs on consumers.

WHEREAS, Current Federal, State and County regulations do not properly address the sale of puppy and kitten mill dogs and cats in pet shops.

WHEREAS, Prohibiting the retail sale of puppies and kittens is likely to decrease the demand for puppies and kittens bred in puppy and kitten mills, and is likely to increase demand for animals from animal shelters and rescue organizations.

WHEREAS, Across the country, thousands of independent pet shops as well as large chains operate profitably with a business model focused on the sale of pet services and supplies and not on the sale of dogs and cats. Many of these shops collaborate with local animal shelters and rescue organizations to offer space and support for showcasing adoptable homeless pets on their premises.

WHEREAS, This Ordinance will not affect a consumer’s ability to obtain a dog or cat of his or her choice directly from a breed-specific rescue organization or a shelter, or from a hobby breeder where the consumer can see directly the conditions in which the dogs or cats are bred, or can confer directly with the hobby breeder concerning those conditions; and,

WHEREAS, The City Council believes it is in the best interests of this City to adopt reasonable regulations to reduce costs to the City and its residents, protect the citizens of the City who may purchase cats or dogs from a pet shop or other business establishment, help prevent inhumane breeding conditions, promote community awareness of animal welfare, and foster a more humane environment in the City,

NOW THEREFORE BE IT HEREBY ORDAINED BY THE VALPARAISO CITY COUNCIL, PORTER COUNTY, INDIANA as follows:

SECTION 1.

(A) No retail pet store shall sell or offer for sale a dog or cat.

(B) Subsection (A) shall not be construed to prohibit a retail pet store from providing space to either an animal control agency or shelter or an animal rescue organization, as defined, for the purpose of showcasing adoptable animals to the public; provided that such retail pet store shall have no ownership interest in any of the animals offered for adoption, nor shall the retail pet store receive any fee for providing such space.

(C) As used in this chapter, the following terms shall have the meanings ascribed to them in this subsection:

Animal rescue organization means a not-for-profit organization having tax-exempt status under 501(c)(3) of the United States Internal Revenue Code, whose mission and practice is, in whole or in significant part, the rescue and placement of animals into permanent homes. The term animal rescue organization does not include any person that: (1) breeds animals for profit; (2) is located on the same premises as a person that breeds animals for profit; (3) has any personnel in common with a person that breeds animals for profit; (4) obtains, in exchange for payment or compensation, dogs or cats from a person that breeds animals for profit; or (5) facilitates the sale of dogs or cats that were obtained, in exchange for payment or compensation, from a person that breeds animals for profit.

Cat means any member of the species *Felis catus*.

Dog means any member of the species *Canis familiaris*.

Retail pet store means a commercial establishment (including a kennel) that sells or offers for sale animals on its premises at retail.

Sell or offer for sale means to sell, display for sale, exchange for consideration, adopt out, barter, auction, trade, lease, or otherwise transfer an animal.

(D) A retail pet store that sells or offers for sale a dog or cat in violation of subsection (A) of this section shall be subject to a fine of \$500 per violation. Each sale or offer for sale of an individual dog or cat in violation of subsection (A) shall constitute a separate violation. A retail pet store that makes provides space in violation in subsection (B) of this section shall be subject to a fine of \$500 per violation. Each provision of space to an individual dog or cat in violation of subsection (B) shall constitute a separate violation.

(E) Any existing retail pet store in operation prior to the adoption of this ordinance shall be exempt; however, should the exempt retail pet store cease operations for 30 consecutive days, it shall no longer be considered exempt. An exception shall be made for an exempt retail pet store that temporarily ceases operations based on circumstances reasonably characterized as a force majeure event. To avail itself of this exception, the exempt retail pet store must provide notice to the Building Commissioner, in writing, no later than 30 days after the commencement of the temporary closing.

Such notice shall include the date the temporary closing commenced, the reason(s) for the temporary closing, and (if known) the expected date for resumption of business activities. No exempt pet store shall be able to relocate or expand the size of its existing operations and retain its exemption.

SECTION 2. Severability.

If any section of this Ordinance or its application to any person or circumstances is held invalid, the invalidity does not affect other sections that can be given effect without the invalid section or application.

SECTION 3. Effective date.

This Ordinance shall become effective upon passage.

PASSED AND ADOPTED by the Common Council of the City of Valparaiso, Porter County, Indiana, by a _____ vote of all members present and voting, this _____ day of February, 2023.

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, 2023.

Holly Taylor, Clerk-Treasurer

This Ordinance approved and signed by me this _____ day of February, 2023 at _____ o'clock PM.

Matthew R. Murphy, Mayor

Ordinance #10, 2023

City of Valparaiso

Amendment of 2023 Salary Ordinance

Section 1:	Officers of the Police Department	Page 2
Section 2:	Firefighters of the Fire Territory	Page 2
Section 3:	All Remaining Appointed Officials & Employees	Page 2
Section 4:	Salaries for Elected Officials from the General Fund	Page 2
Section 5:	Exceptions for the City Administrator & Department Heads	Page 3
Section 6:	Compensation for Members of Boards & Commissions of the City of Valparaiso	Page 3
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Section 9:	Benefits, Board of Public Works & Safety, and Personnel Policy	Page 4
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Exhibit A:	Police Department Wages	Page 7
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Exhibit G:	Health Savings Account Contributions	Page 12

**AN ORDINANCE ESTABLISHING THE AMOUNT OF SALARIES AND COMPENSATION
TO BE PAID TO APPOINTED OFFICIALS AND ALL EMPLOYEES AND OFFICERS
OF THE CITY OF VALPARAISO WITHIN THE CALENDAR YEAR 2023, AND
REPEALING
ANY ORDINANCE IN CONFLICT THEREIN.**

WHEREAS, the Mayor and Common Council of the City of Valparaiso, Indiana, are required by various statutes now in effect to establish salaries and compensations for various departments of the City; and,

WHEREAS, the Mayor and the Common Council have fulfilled their statutory obligation with regard to establishing such salaries and compensation for said appointed officials and employees;

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

SECTION 1: OFFICERS OF THE POLICE DEPARTMENT

From and after the first day of January 2023, said Officers of the Police Department of the City of Valparaiso shall be paid according to the following schedule of salary ranges and position classifications subject to the budgetary provisions and the Job Classification Ordinance of the City, as amended and supplemented:

(See **Exhibit A** which is attached hereto and incorporated herein by reference as though it has been printed here in its entirety)

SECTION 2: FIREFIGHTERS OF THE FIRE PROTECTION TERRITORY

From and after the first day of January 2023, said Firefighters of the Fire Protection Territory shall be paid according to the following schedule subject to budgetary provisions and the Job Classification Ordinance of the City, as amended and supplemented:

(See **Exhibit B** which is attached hereto and incorporated herein by reference as though it has been printed here in its entirety)

A. Additional compensation for Firefighters

(See **Exhibit B** which is attached hereto and incorporated herein by reference as though it has been printed here in its entirety)

SECTION 3: ALL REMAINING APPOINTED OFFICIALS AND EMPLOYEES

From and after the first day of January 2023, all other appointed officials and employees of the City of Valparaiso (except those appointed to the various boards and commissions), not herein before mentioned shall be paid according to the following schedule of salary ranges and position classifications subject to budgetary provisions and the Compensation Management Ordinance of the City, as amended and supplemented:

(See **Exhibit C** which is attached hereto and incorporated herein by reference as though it has been printed here in its entirety)

SECTION 4: SALARY FOR ELECTED OFFICIALS

(See **Exhibit D** which is attached hereto and incorporated herein by reference as though it has been printed here in its entirety)

SECTION 5: EXCEPTIONS FOR THE CITY ADMINISTRATOR & DEPARTMENT HEADS

The Mayor shall have the right to set salaries for the City Administrator and Department Heads positions for the City of Valparaiso for the calendar year of 2023. The Mayor shall inform the Clerk-Treasurer in writing of the salaries for the calendar year of 2023, which shall be included in the annual budget of the City.

SECTION 6: COMPENSATION FOR MEMBERS OF BOARDS & COMMISSIONS OF THE CITY OF VALPARAISO

(See **Exhibit E** which is attached hereto and incorporated herein by reference as though it had been printed here in its entirety)

SECTION 7: SERVICE PAY

The Mayor, Clerk-Treasurer, City Administrator, and all employees and appointed officials of the City shall receive additional compensation as set out below for the length of continuous employment with the City of Valparaiso

(See **Exhibit F** which is attached hereto and incorporated herein by reference as though it has been printed here in its entirety)

SECTION 8: OTHER SALARY MATTERS

Employees who are in this category and performing a job, which is part of the Job Classification Ordinance of the City, shall be paid at the rate stated in the ordinance for such job.

- a. On Call Compensation: Employees shall be compensated for "on-call" time at a compensation rate to be established by the Mayor and approved by the Board of Public Works and Safety.
- b. The "on-call" policy developed on a citywide or departmental basis shall be made part of the Personnel Policy of the City.
- c. The Mayor shall have the express authority to make any decisions required with regard to the establishment of salaries or the setting of salary rates not provided for within this Ordinance. The Mayor shall finally determine all conflicts of interpretation within the Ordinance.
- d. Safety Officers in specific departments shall receive the sum of \$500 per year.
- e. Every employee is classified as either Exempt (E) or Non-Exempt (NE) based on Federal Law and has the classification listed as part of the Salary Ordinance.
- f. The hourly rate in this ordinance does NOT include service pay. Employee service pay is based on the employee's starting date and is adjusted based on years of service. The hourly base pay must be adjusted per each employee to include service pay as described in Exhibit F: Service Pay.
- g. At such time as the City finances allow, the Mayor and Clerk-Treasurer may allow Performance Awards to be given to employees.

SECTION 9: BENEFITS, BOARD OF WORKS & SAFETY, AND PERSONNEL POLICY

Full-time employees of the City of Valparaiso, as part of their compensation, receive certain benefits from the City.

- a. Paid Time Off (PTO) - Employees (excluding police officers, firefighters, or civilian employees of the police department) will receive Paid Time Off (PTO) pursuant to the Personnel Policy Manual and adopted by the Board of Public Works & Safety.
- b. Firefighters, Police Officers, and civilian employees of the police department, receive such benefits as may be provided for within their individual department policy manuals and contract agreements.
- c. The Board of Public Works & Safety is specifically authorized to amend and change the Personnel Policy as deemed appropriate.
- d. The Board of Public Works & Safety is specifically authorized to approve and administer personnel policy issues after developed and authorized by the Mayor.
- e. The Board of Public Works & Safety is specifically authorized to enter into written employment contracts with any recognized bargaining agents provided that such contracts shall be limited to benefits, working conditions, and related matters.
- f. The Board of Public Works & Safety is specifically authorized to develop and approve a performance evaluation system on a citywide or departmental basis. Such a system or systems may be implemented during the calendar year of 2023 if the budget has sufficient funds to do so.
- g. The Board of Public Works & Safety is specifically authorized to modify job descriptions.

SECTION 10: ALLOWANCES

Mileage - Any elected or appointed official or employee of the City of Valparaiso shall be reimbursed for mileage allowance for official and authorized travel.

The Federal Department of Internal Revenue Service shall establish the rate for reimbursement.

Such compensation shall only be paid when the official or employee is using a personal vehicle and not a city-owned vehicle.

Cell Phones - Cell phones are required for some positions. The purpose of carrying such a device is to provide 24-hour access to better serve citizens and increase productivity. Those positions are designated by each department head as well as the level of access required to be maintained by the employee on behalf of the City of Valparaiso. The determination of the wireless carrier will be up to the employee.

Each employee required to carry a cell phone will receive monthly compensation dispersed proportionately in each pay. The employee is required to pay his or her own bill and to supply the phone as prescribed by their department head.

CELL PHONE ALLOWANCES:

Low Business Use	\$17.50 per pay
Medium Business Use	\$21.25 per pay
Medium-High Business Use	\$30.00 per pay
High Business Use	\$50.00 per pay

Employees failing to have the assigned amount of accessibility will be subject to a verbal warning for the first offense; a written notice for the second offense, which will be added to the employees personnel file; and at the department head's discretion, may be subject to a personal improvement plan or termination for the third offense.

SECTION 11: PERF PAYMENTS AND/OR RETIREMENT PAYMENTS

From and after January 1, 2023, the City of Valparaiso shall pay the entire employee obligation for PERF retirement for all City employees with the exception of Police Officers and Firefighters.

The City of Valparaiso shall pay one-half (1/2) share of the employee obligation for retirement benefits for Police Officers and Firefighters.

Payment of employee retirement benefits obligation shall continue until rescinded or amended by the Common Council.

SECTION 12: PUBLIC WORKS BUYBACK PROGRAM

Certain employees of the Public Works Department (Solid Waste, Vehicle Maintenance, Cemetery, and MVH/MVH Restricted) may sell back to the city up to 40 hours of Paid Time Off annually. Buyback will be calculated at the employee's current rate of pay. Buyback will be paid out during the month of December and cannot be combined with the maximum amount of PTO the city will buy back as part of employment resignation/termination. Buyback will be in the following Public Works job classifications:

- * Operations Supervisor
- * Maintenance Supervisor
- * Heavy Equipment Operator/Working Leader/Trainer
- * Working Leader
- * Working Leader/Truck Driver/Arborist
- * Working Leader/Winter Response
- * Heavy Equipment Operator
- * Mechanic
- * Truck Driver/Light Equipment Operator
- * Truck Driver/Light Equipment Operator/Safety
- * Automated Truck Driver
- * Skilled Laborer
- * Senior Mechanic
- * Mechanic Assistant
- * Compost Site Attendant

This section does not apply to any Supplemental Paid Time Off (SPTO) bank.

SECTION 13: GENERAL PROVISIONS

The Mayor, the Common Council, and the Board of Public Works & Safety of the City of Valparaiso, Indiana, shall retain all rights, duties, and privileges authorized by the State of Indiana statutes for the administration of wages and compensation received by employees.

The Mayor and the Board of Public Works & Safety of the City of Valparaiso shall resolve all disputes arising from the interpretation or enforcement of the Ordinance.

This Ordinance shall be in full force and effect from and after its passage in the manner provided by law and shall be implemented on the first (1st) day of January 2023.

All previous ordinances pertaining to salaries, compensation, and benefits for the employees of the City of Valparaiso, Indiana, are hereby expressly repealed effective the first (1st) day of January 2023.

SECTION 14: ACCEPTANCE BY CITY COUNCIL AND SIGNATURE PAGE

This Ordinance, consisting of six (6) pages and Exhibits A through G in its entirety, has been presented to the Mayor and Common Council of the City of Valparaiso.

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

Matthew R. Murphy
Mayor

ATTEST:

Holly Taylor
Clerk-Treasurer

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

Holly Taylor
Clerk-Treasurer

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

Matthew R. Murphy
Mayor

EXHIBIT A: POLICE DEPARTMENT WAGES FOR 2023

POLE (Protective Occupations Law Enforcement) Category

	Market	Mid	Max
POLE A Position			
Captain (E)	\$67,010.00	\$78,835.00	\$96,967.00
POLE B Position			
Lieutenant (NE)	\$63,581.00	\$74,801.00	\$92,005.00
POLE C Position			
Sergeant (NE)	\$59,632.00	\$70,155.00	\$86,291.00
POLE D Positions			
Master Patrolman (NE)	\$56,844.00	\$66,875.00	\$82,256.00
Master Patrolman 1st Class (NE)	\$58,481.00	\$67,036.00	\$80,154.00
Patrol Officer 2nd Class (NE)	\$51,445.00	\$60,524.00	\$74,445.00
Probationary Officer (NE)	\$47,310.00	\$55,659.00	\$68,461.00
POLE Part-time			
Crossing Guards (NE)	\$10,000.00 per annum (not to exceed)		

This schedule does not include service pay or other compensation.

Additional Pay/Compensation for Police Department (not-to-exceed):

Detective Specialty Pay - Sergeant	\$3,819.00
Detective Specialty Pay - Master Patrolman	\$9,420.00
IT Specialty Pay - Master Patrolman	\$9,420.00
Uniform Allowance	\$1,600.00
Breathalyzer Operator	\$120.00
Call Out/CALEA	\$1,200.00
Evidence Team Member	\$800.00
Drone Team Member	\$800.00
Emergency Response Team Member	\$800.00
Traffic Crash Reconstruction Team Member	\$800.00
FTO (Field Training Officer)/Civilian Trainer	\$1,000.00
K9	\$5,000.00
Veterans Pay or Active Military	\$1,000.00
PhD Degree	\$2,000.00
Masters Degree	\$1,500.00
Bachelors Degree	\$1,000.00
Associates Degree	\$500.00
Physical Fitness Incentive	\$400.00
Civilian Buyback	\$1,500.00
Civilian Uniform Allowance	\$300.00

Any officer who has more than one college degree will only be compensated for one degree. This compensation will be for the highest degree earned.

Any and all members of the City of Valparaiso Police Department who meet the following minimum standards shall receive additional compensation per annum in the amounts as follows:

- | | |
|--|------------|
| a. Three (3) years of continuous service | \$200.00 |
| b. Six (6) years of continuous service | \$500.00 |
| c. Nine (9) years of continuous service | \$800.00 |
| d. Twelve (12) years of continuous service | \$1,100.00 |
| e. Fifteen (15) years of continuous service | \$1,400.00 |
| f. Eighteen (18) years of continuous service | \$1,700.00 |
| g. Twenty (20) years of continuous service | \$2,000.00 |
| h. Eight (8) years of continuous services & successful attendance of an additional ten (10) approved schools | \$3,000.00 |

Any Police Officer(s) who become qualified during the year for any of the aforementioned categories will be eligible for pro-rated compensation for the remainder of the current calendar year. The Chief of Police has the sole authority to appoint the Field Training Officers and may rescind said

appointment at his sole discretion.

EXHIBIT B: FIRE TERRITORY WAGES FOR 2023

POLE (Protective Occupations Law Enforcement) Category

Based on 2,912 hours

	<u>Market</u>	<u>Mid</u>	<u>Max</u>
POLE A Positions			
Division Chief of Training/Fire Marshal	\$66,745.00	\$78,524.00	\$96,585.00
POLE B Positions			
Battalion Chief (E)	\$65,378.00	\$76,915.00	\$94,605.00
Master Firefighter 1st Class (NE)	\$59,675.00	\$67,735.00	\$80,094.00
POLE C Positions			
Captain (NE)	\$62,592.00	\$73,638.00	\$90,575.00
POLE D Position			
Lieutenants (NE)	\$59,707.00	\$70,244.00	\$86,400.00
POLE E Position			
Firefighter/Engineer (NE)	\$56,873.00	\$66,909.00	\$82,298.00
POLE F Positions			
Master Firefighter (Paramedic) (NE)	\$54,915.00	\$64,606.00	\$79,465.00
Master Firefighter (EMT) (NE)	\$50,915.00	\$60,606.00	\$75,465.00
Probationary Firefighter (NE)	\$46,920.00	\$55,200.00	\$67,896.00
POLE Part-time			
PT Administrative Assistant	\$17.85 per hour (not to exceed)		

Additional Pay/Compensation for the Fire Territory (not-to-exceed):

Members of the Valparaiso Fire Department who are certified in the following categories shall receive additional compensation per year in the following amounts:

Air Pack Maintenance	\$1,000.00
Assistant Mechanic	\$1,650.00
Chief Fire Investigator	\$2,000.00
Mechanic	\$1,000.00
CPR Instructor	\$500.00
Educator/Trainer	\$500.00
EMT with Grade	\$1,000.00
Inspector	\$2,000.00
Investigator	\$1,000.00
ISO Coordinator (Maintenance)	\$1,000.00
Paramedic Certification with Grade	\$5,000.00
Paramedic Certification (Probationary FF)	\$4,000.00
Safety Officer	\$1,500.00
Child Safety Seat Technician	\$500.00
Radio Technician (Maintenance)	\$1,000.00
Supplies Coordinator (Maintenance)	\$500.00
Map Coordinator (Maintenance)	\$1,000.00
Uniform Allowance	\$1,250.00 **added to base pay
Additional Uniform Allowance	\$750.00
Rescue Task Force Coordinator	\$1,000.00
Water Rescue Coordinator	\$1,000.00
Shift Drill Master	\$1,000.00
Veterans Pay or Active Military	\$1,000.00
PhD Degree	\$2,000.00
Masters Degree	\$1,500.00
Bachelors Degree	\$1,000.00
Associates Degree	\$500.00
Rideout Pay	\$1,500.00 **added to base pay

Any firefighter who has more than one college degree will only be compensated for one degree. This compensation will be for the highest degree earned.

Any firefighter who becomes qualified during the year for any of the aforementioned categories will be eligible for pro-rated compensation for the remainder of the current calendar year. Non-FLSA exempt combat firefighters performing the duty of inspections and/or preplanning while off regular scheduled duty will be paid at the hourly rate of one and one half (1-1/2) times their regular rate of pay. FLSA exempt combat firefighters (Battalion Chiefs) performing the duty of inspection and/or preplanning while off regular scheduled duty will be paid at an hourly rate not to exceed

forty dollars (\$40.00) per hour.

EXHIBIT C: ALL REMAINING APPOINTED OFFICIALS AND EMPLOYEES

SO (Special Occupation)

All positions are excluded from the Fair Labor Standards Act (FLSA)

	<u>Market</u>	<u>Mid</u>	<u>Max</u>
City Administrator (E)	\$100,691.00	\$118,460.00	\$145,706.00
Chief Deputy Clerk-Treasurer (E)	\$53,333.00	\$62,745.00	\$77,176.00
Executive Assistant (E)	\$54,974.00	\$64,675.00	\$79,550.00

EXE (Executives)

All positions are exempt under the Fair Labor Standards Act (FLSA)

EXE A

City Services Director (E)	\$154,534.00	\$181,805.00	\$223,620.00
Engineering Director (E)	\$107,630.00	\$126,624.00	\$155,748.00
City Attorney (E)			

EXE B

Project & Facility Management Director (E)	\$79,764.00	\$93,840.00	\$115,423.00
Public Works Director (E)			
Parks Director (E)			
Development Director (E)			
Police Chief (E)			
Fire Chief (E)			
Planning/Transit Director (E)			
Chief Deputy Engineer (E)			
IT Director (E)			
Building & Code Enforcement Director (E)			
Human Resources Director (E)			
Community Engagement Director (E)			

EXE C

Assistant Public Works Director (E)	\$70,467.00	\$82,902.00	\$101,969.00
Assistant Fire Chief (Operations) (E)			
Assistant Fire Chief (EMS) (E)			
Assistant Police Chief (E)			
Assistant Parks Director (E)			
Assistant Project & Facility Management Director (E)			
Deputy Engineer (E)			

PAT (Professional, Administrative, Tech)

PAT A - Based on 2,080 hours	\$62,644.00	\$73,699.00	\$90,650.00
Parks - Facilities & Maintenance Director (E)			

PAT B - Based on 2,080 hours	\$59,661.00	\$70,190.00	\$86,333.00
Parks - Golf Maintenance Superintendent (E)			
Parks - Horticulture Superintendent (E)			
Parks - Maintenance/Construction Superintendent (E)			
Planning - Transit Manager (E)			
Planning - Associate Planner (E)			
City Services - Business Operations Manager (E)			

PAT C - Based on 1,820 hours	\$48,620.00	\$57,200.00	\$70,357.00
Planning - Assistant Planner (E)			

PAT C - Based on 2,080 hours	\$55,566.00	\$65,372.00	\$80,407.00
Police - Social Worker (E)			
Park - Business Operation Manager (E)			
Park - Recreation Program Director (E)			
Park - Youth Sports Director (E)			
Park - Special Event Director (E)			
Park - Marketing Director (E)			

Market

Mid

Max

PAT D - Based on 1,820 hours	\$40,461.00	\$47,602.00	\$58,550.00
Building - Building Inspector (NE)			
Building - Code Enforcement Inspector (NE)			
Engineering - GIS Specialist (NE)			
PAT D - Based on 2,080 hours	\$46,242.00	\$54,402.00	\$66,914.00
Park - Event & Venue Coordinator (NE)			
LTC (Labor, Trade & Crafts)			
LTC A - Based on 2,080 hours	\$56,706.00	\$66,713.00	\$82,057.00
Public Works - Maintenance Supervisor (E)			
Public Works - Operations Supervisor (E)			
Project & Facility Mgmt - Maintenance Technician (NE)			
LTC B - Based on 2,080 hours	\$52,649.00	\$61,940.00	\$76,186.00
Park - Asst Horticulture Superintendent (NE)			
Park - Asst Maintenance Superintendent (NE)			
Park - Asst Golf Course Superintendent (NE)			
Public Works - Working Leader/Winter Response (NE)			
Public Works - Working Leader/Truck Driver/Arborist (NE)			
Public Works - Working Leader (NE)			
Public Works - Senior Mechanic (NE)			
Public Works - Heavy Equip Operator/WL/Trainer (NE)			
LTC C - Based on 2,080 hours	\$47,492.00	\$55,873.00	\$68,724.00
Public Works - Mechanic (NE)			
Park - Mechanic (NE)			
LTC D - Based on 2,080 hours	\$45,113.00	\$53,074.00	\$65,281.00
Public Works - Heavy Equipment Operator (NE)			
Public Works - Mechanic Assistant (NE)			
Park - Maintenance Property Supervisor (NE)			
LTC E - Based on 2,080 hours			
Public Works - Automated Truck Driver (NE)	\$43,186.00	\$50,807.00	\$62,493.00
Public Works - Truck Driver/Light Equip Operator (NE)	\$42,336.00	\$49,807.00	\$61,262.00
Park - Groundskeeper/Working Crew Leader (NE)			
LTC F - Based on 2,080 hours	\$39,560.00	\$46,541.00	\$57,245.00
Public Works - Skilled Laborer (NE)			
Public Works - Compost Site Attendant (NE)			
Park - Groundskeeper (NE)			
LTC F			
Positions are compensated at hourly rates not to exceed the amounts listed below			
Public Works Part-time	\$22.38 per hour		
OSS (Office Support Specialist)			
All positions are non-exempt under the Fair Labor Standards Act (FLSA)			
OSS A - Based on 1,820 hours			
Clerk-Treasurer - Deputy Clerk Treasurer/Grant Administrator (NE)	\$53,333.00	\$62,745.00	\$77,176.00
Clerk-Treasurer - Deputy Clerk Treasurer (NE)	\$46,059.00	\$54,187.00	\$66,651.00
OSS A - Based on 2,080 hours			
Park - Executive Assistant (NE)	\$52,639.00	\$61,928.00	\$76,172.00

OSS A - Based on 1,820 hours

- Police - Administrative Assistant (NE)
- Police - Investigations Administrative Assistant (NE)
- Building - Administrative Assistant (NE)
- Planning - Administrative Assistant (NE)
- Project & Facility Mgmt - Administrative Assistant (NE)

	Mid	Max
\$40,439.00	\$47,575.00	\$58,517.00

OSS B - Based on 2,080 hours

- Engineering/RDC - Executive Admin Assistant (NE)
- Fire - Administrative Assistant (NE)
- City Attorney - Administrative Asst/Paralegal (NE)
- Park - Administrative Asst/Payroll/HR (NE)
- Park - Bookkeeper (NE)
- Public Works - GIS/WMS Coordinator (NE)

\$46,216.00	\$54,371.00	\$66,877.00
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OSS C - Based on 1,820 hours

- Police - Records Clerk (NE)
- Police - Parking Enforcement (NE)
- Board of Works - Receptionist (NE)

\$37,184.00	\$43,746.00	\$53,807.00
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OSS C - Based on 2,080 hours

- Park - Payroll/Bookkeeping Assistant (NE)
- Park - Customer Service Secretary (NE)

\$42,496.00	\$49,995.00	\$61,494.00
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OSS D

Positions are compensated at hourly rates not to exceed the amounts listed below

Deputy Clerk-Treasurer Part-time	\$18.20 per hour
Police Records Clerk Part-time	\$21.97 per hour
Parks Part-time	\$25.00 per hour
Public Works Part-time	\$22.05 per hour
Building Part-time	\$20.00 per hour
Engineering Part-time	\$22.90 per hour
Planning Part-time	\$20.00 per hour
Board of Works Part-time	\$20.00 per hour

EXHIBIT D: ELECTED OFFICIALS

EO (Elected Officials)

All positions are excluded from the Fair Labor Standards Act (FLSA)

	Market	Mid	Max
Mayor	\$92,898.00	\$109,292.00	\$134,429.00
Clerk-Treasurer	\$68,163.00	\$80,192.00	\$98,636.00
City Council	\$11,467.00	\$13,491.00	\$16,594.00

EXHIBIT E: COMPENSATION FOR MEMBERS OF BOARDS & COMMISSIONS

Plan Commission	\$1,440.00
Board of Zoning & Appeals	\$1,440.00
Park Board	\$1,440.00
Board of Public Works & Safety (Citizen Member)	\$3,480.00

EXHIBIT F: SERVICE PAY

<u>At Least</u>	<u>Not More Than</u>	<u>Amount</u>
3 years	6 years	\$200.00
6 years	9 years	\$500.00
9 years	12 years	\$800.00
12 years	15 years	\$1,100.00
15 years	18 years	\$1,400.00
18 years	20 years	\$1,700.00
More than 20 years		\$2,000.00

In the event that the anniversary date of employment for an employee or an appointed and/or elected official covered by this section falls on a date other than January 1, 2023, and such date changes the category for service pay contained herein, such employee shall be paid at the higher rate for the remainder of the calendar year.

The schedule appearing above is not intended to be cumulative and each employee and/or elected official of the City shall fall into only one (1) of the seven categories.

This schedule shall not apply to members of Boards and/or Commissions and/or Council Members as referred to in Section 7.

EXHIBIT G: HEALTH SAVINGS ACCOUNT CONTRIBUTIONS

City employees previously enrolled or enrolling in the following health savings account health insurance tiers will receive a contribution from the City to be paid into each such employee's account as follows:

<u>HSA Tiers</u>	<u>Total Contribution</u>
Employee Only	\$1,800.00
Employee Plus One	\$3,100.00
Family	\$4,100.00

The above referenced contribution will be paid by the City into each employee's account in January.

New employees that begin working for the City in 2023, and subsequently enroll in the health savings account health insurance program, will receive a pro-rated contribution from the City to be paid into each employee's account. The pro-rated contribution shall be determined based upon the employee's ***first full month*** of employment with the City.

Employees who have spouses that also work for the City may only receive a maximum combined contribution of \$3,100.00 for an employee plus one, or a maximum combined contribution of \$4,100.00 for a family.

ORDINANCE NO. 11, 2023**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF VALPARAISO, INDIANA, ADOPTING SECOND AMENDED CRITERIA FOR LICENSE ALLOCATION AND APPLICANT COMPLIANCE FOR A HISTORIC DOWNTOWN LIQUOR LICENSE**

WHEREAS, pursuant to Indiana Code §7.1-3-20-16(g), the Indiana Alcohol and Tobacco Commission (“IATC”) was authorized after June 30, 2005, to issue additional on premises alcoholic beverage permits, without regard to the quota provisions of Indiana Code 7.1-3-22, within the historic downtown district in Valparaiso, Indiana (“Downtown License”).

WHEREAS, on **August 22, 2005**, the Common Council of the City of Valparaiso, Indiana (“Common Council”) adopted Resolution No. 15-2005 which adopted *Objectives and Criteria for the Issuance of Valparaiso Downtown Alcoholic Beverage Permits* (“Objectives and Criteria”) and established the Valparaiso Downtown Alcoholic Beverage Licensing Committee (“Licensing Committee”).

WHEREAS, on **December 14, 2015**, the Common Council adopted Ordinance No. 29-2015 adopting *Amended Criteria for License Allocation and Applicant Compliance Requirements* and Approving a Formal Written Commitment as a condition of eligibility for a Historic Downtown Liquor License.

WHEREAS, the Common Council wishes amend Resolution No. 15-2005 and Ordinance No. 29-2015 to be consistent with this ordinance.

WHEREAS, adopting this Ordinance approves the *Second Amended Criteria for License Allocation and Applicant Compliance* and dissolves the Valparaiso Downtown Alcoholic Beverage License Committee.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF VALPARAISO, INDIANA, AS FOLLOWS:

Section 1. *Incorporation of Recitals*. The foregoing recitals (or “whereas clauses”) are findings of fact by the Common Council and are incorporated into this Ordinance by reference.

Section 2. *Approval of Second Amended Criteria for License Allocation and Applicant Compliance*. The Common Council hereby approves and formally adopts the *Second Amended Criteria for License Allocation and Applicant Compliance* attached as **Exhibit A** to this Ordinance. The *Second Amended Criteria for License Allocation and Applicant Compliance* shall supersede and replace, in all respects, the *Objectives and Criteria for the Issuance of Valparaiso Downtown Alcoholic Beverage Permits* previously adopted by the Common Council on December 14, 2015.

Section 3. *Severability.* If any portion of this Ordinance shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect any other portion of provision of this Ordinance.

Section 4. *Repealer.* All ordinances or resolutions or parts of ordinances or resolutions inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency. It is provided, however, that such repeal shall be only to the extent of such inconsistency, and in all other respects the ordinances or resolutions or parts of ordinances or resolutions are hereby ratified, re-established and confirmed.

Section 5. *Effective Date.* This Ordinance shall be in full force and effect from and after its adoption and the procedures required 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 March, 2023.

Matthew R. Murphy, Mayor

ATTEST:

Holly Taylor, Clerk-Treasurer

Presented by me to the Mayor of the City of Valparaiso, Indiana, this _____ day of March, 2023 at the hour of _____ o'clock P.M.

Holly Taylor, Clerk-Treasurer

This Ordinance approved and signed by me this _____ day of March, 2023 at the hour of _____ o'clock P. M.

Matthew R. Murphy, Mayor

ORDINANCE #12, 2023

AN ORDINANCE APPROPRIATING FUNDS IN THE MUNICIPAL EXCISE SURTAX 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 Municipal Excise Surtax Fund for the purpose and use here in after set forth, all for use during the current year of 2023, to-wit:

MUNICIPAL EXCISE SURTAX FUND

Other Services & Charges	\$500,000.00
Total	\$500,000.00

SECTION 2: Appropriations over and above those made during the budget process are allowed under Indiana Code 6-1.1-18-5 and as otherwise provided under Indiana law.

SECTION 3: The City Clerk-Treasurer is requested to provide notice, as outlined under Indiana Code 5-3-1, as to the meeting date and the opportunity of the public to participate in a Public Hearing. Such notice shall be published one time at least ten (10) days prior to the meeting in a Qualified Publication – as such term is defined under Indiana Code 5-3-1-0.7.

SECTION 4: The Public Hearing provided for in Section 3 shall be set for the March 13, 2023 meeting of the Common Council of the City of Valparaiso, at City Hall located at 166 West Lincolnway.

SECTION 5: After the Public Hearing is held in accordance with such notice as herein provided, the Council may approve the proposed appropriation.

SECTION 6: 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 _____, 2023.

Matthew R. Murphy, Mayor

ATTEST:

Holly Taylor, Clerk-Treasurer

Presented by me to the Mayor of the City of Valparaiso, Indiana, this _____ day of _____, 2023 at the hour of _____ o'clock P.M.

Holly Taylor, Clerk-Treasurer

This Ordinance approved and signed by me this _____ day of _____, 2023 at the hour of _____ o'clock P. M.

Matthew R. Murphy, Mayor

ORDINANCE #13, 2023

AN ORDINANCE APPROPRIATING FUNDS IN THE MUNICIPAL WHEEL TAX 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 Municipal Wheel Tax Fund for the purpose and use here in after set forth, all for use during the current year of 2023, to-wit:

MUNICIPAL WHEEL TAX FUND

Other Services & Charges	\$40,000.00
Total	\$40,000.00

SECTION 2: Appropriations over and above those made during the budget process are allowed under Indiana Code 6-1.1-18-5 and as otherwise provided under Indiana law.

SECTION 3: The City Clerk-Treasurer is requested to provide notice, as outlined under Indiana Code 5-3-1, as to the meeting date and the opportunity of the public to participate in a Public Hearing. Such notice shall be published one time at least ten (10) days prior to the meeting in a Qualified Publication – as such term is defined under Indiana Code 5-3-1-0.7.

SECTION 4: The Public Hearing provided for in Section 3 shall be set for the March 13, 2023 meeting of the Common Council of the City of Valparaiso, at City Hall located at 166 West Lincolnway.

SECTION 5: After the Public Hearing is held in accordance with such notice as herein provided, the Council may approve the proposed appropriation.

SECTION 6: 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 _____, 2023.

Matthew R. Murphy, Mayor

ATTEST:

Holly Taylor, Clerk-Treasurer

Presented by me to the Mayor of the City of Valparaiso, Indiana, this _____ day of _____, 2023 at the hour of _____ o'clock P.M.

Holly Taylor, Clerk-Treasurer

This Ordinance approved and signed by me this _____ day of _____, 2023 at the hour of _____ o'clock P. M.

Matthew R. Murphy, Mayor