

**MINUTES OF THE MEETING
OF THE COMMON COUNCIL
VALPARAISO, INDIANA
January 27, 2025**

The Common Council of the City of Valparaiso, Indiana, met on Monday, January 27, 2025 at 6:00 p.m. in City Hall. Mayor Costas called the meeting to order. The Pledge of Allegiance was said. Present were Councilmembers Reed, Cotton, Domer, Pupillo, Anderson, Hunt, and Kapitan.

MINUTES

MOTION: Councilmember Cotton moved to approve the minutes from the January 13, 2024 Council meeting. Councilmember Kapitan seconded the motion. Upon roll call vote the motion passed with a 7-0 vote.

ORDINANCE NO. 1, 2025

AN ORDINANCE APPROPRIATING FUNDS IN THE PARK IMPACT FEES FUND

Councilmember Kapitan moved that Ordinance No. 1, 2025 be read a second time by title and a third time in full and be considered for adoption with the opportunity for the offering of amendments. Councilmember Hunt seconded the motion. Clerk-Treasurer Taylor read Ordinance No. 1, 2025.

Clerk-Treasurer Taylor addressed the Council. The Park Department has enough cash to cover this appropriation. The cash came from the Impact Fee Fund.

Kevin Nuppnau – This is for a fee study. Every five years they are required to have a review of the impact fee.

Councilmember Cotton – Have they looked at what it would look like to pro-rate the fee with new construction?

Kevin Nuppnau – It can be looked at. Right now Single Family Residential is one fee. Duplex, Condominium and Town Home have a rate. Apartment and assisted living have a flat rate

Public Hearing

Mayor Costas announced Ordinance No. 1, 2025 requires a Public Hearing and presented Proof of Publication that at tonight's meeting the Council will listen to public questions, comments or concerns regarding Ordinance No. 1, 2025. Seeing no one wishing to address the Council, Mayor Costas declared the Public Hearing closed.

Upon Roll Call Vote Ordinance 1, 2025 was adopted with a 7-0 vote.

ORDINANCE NO. 2, 2025

AN ORDINANCE APPROPRIATING FUNDS IN THE LAW ENFORCEMENT RECORDING FUND

Councilmember Kapitan moved that Ordinance No. 2, 2025 be read a second time by title and a third time in full and be considered for adoption with the opportunity for the offering of amendments. Councilmember Hunt seconded the motion. Clerk-Treasurer Taylor read Ordinance No. 2, 2025.

Clerk-Treasurer Taylor addressed the Council. They have enough cash to cover the appropriation. The funds are generated from fees collected.

Chief McIntyre –This appropriation will help with the purchase of more body cameras and in car cameras. This is subscription not a purchase.

Public Hearing

Mayor Costas announced Ordinance No. 2, 2025 requires a Public Hearing and presented Proof of Publication that at tonight's meeting the Council will listen to public questions, comments or concerns regarding Ordinance No. 2, 2025. Seeing no one wishing to address the Council, Mayor Costas declared the Public Hearing closed.

Upon Roll Call Vote Ordinance 2, 2025 was adopted with a 7-0 vote.

ORDINANCE NO. 3, 2025

AN ORDINANCE APPROPRIATING FUNDS IN THE OPIOID UNRESTRICTED AND OPIOID RESTRICTED FUNDS

Councilmember Kapitan moved that Ordinance No. 3, 2025 be read a second time by title and a third time in full and be considered for adoption with the opportunity for the offering of amendments. Councilmember Hunt seconded the motion. Clerk-Treasurer Taylor read Ordinance No. 3, 2025.

Clerk-Treasurer Taylor – This is the balance of cash in these two funds. The second installment will not be received until March. There are some outstanding balances of grants the Council awarded last year. She would like to get them paid this month. Appropriations must be redone every year if not spent in the year the funds are appropriated. All figures stay the same. If not spent it stays in the account.

Councilmember Cotton – The \$60,000 for PACT is still coming out of that grant?

Clerk-Treasurer Taylor – Yes.

Public Hearing

Mayor Costas announced Ordinance No. 3, 2025 requires a Public Hearing and presented Proof of Publication that at tonight's meeting the Council will listen to public questions, comments or concerns regarding Ordinance No. 3, 2025. Seeing no one wishing to address the Council, Mayor Costas declared the Public Hearing closed.

Upon Roll Call Vote Ordinance 3, 2025 was adopted with a 7-0 vote.

COUNCIL LIAISON REPORTS

Councilmember Anderson – The Utility Board met. They approved their 2025 insurance.

Councilmember Pupillo – VPD is still hiring. January 31 is the deadline for turning in applications. At the BOW meeting they passed Resolution No. 1, 2025 establishing an election for two citizen members of the Territory Merit Board.

Councilmember Domer – No RDC meeting since last meeting. BOW: Sidewalk Package 1 approved for bids. Goodrich Road will be shared by the City and two developers.

Councilmember Kapitan – The next Plan Commission meeting is March 4th . The Environmental Advisory Board will meet Monday, the 3rd at 4:30. Maggie Clifton had a good Neighborhood Workshop.

Councilmember Cotton – He discussed the help given to homeless and assistance in getting a place to stay where there was heat.

Councilmember Reed – The Park Department is meeting tomorrow. She has met with George Douglas and Attorney Lyp to get on board with the RDC.

Councilmember Hunt – VCS received 206 donations totaling just over \$58,000 for the 2024 Holiday Assistance Program. There was a presentation on a 2025 bond project. The next meeting is February 20th at 6:00. She also addressed and acknowledged the many comments she has received regarding the school board president's residency. A Christmas card went out from Dr. Behrend in December stating They have Moved. It should be no surprise that this would create questions. Residency and age are the two requirements to serve on the school board. Dr. Behrend was a City Council appointment. It is her understanding that the Council has no authority to remove a school board member. That decision rests with the school board. She understands an executive session has been called. She looks forward to hearing the school board's position on this matter. She expects them to address this publicly.

Councilmember Domer – In December Dr. Behrend announced to friends and close acquaintances he had moved outside of Valparaiso. He has not disclosed if he discussed this with school board legal counsel regarding the impact on his continued eligibility to serve as a VCS board member. Dr. Behrend issued a statement confirming he remains a Valparaiso resident by meeting State standards which include his legal address, driver's license, voter's registration and homestead exemption. Mail is forwarded to his summer home and his Valparaiso home remains empty. Meeting the legal standards is not the same as truly living in the community you serve. It is a shame that his final months on the board are overshadowed by a controversy of his own design.

Councilmember Cotton – This is not the first instance of having to deal with accountability with regard to residency. He believes it is essential to address the concerns surrounding Dr. Behrend's residency status. This complaint cannot be dismissed as a political attack because it arises from legitimate questions. His actions whether intentional or not create ambiguity regarding the status of his primary residence. This has caused public concern that requires accountability from the school board. He feels it would be a great gesture for Dr. Behrend to voluntarily step down.

Councilmember Anderson – He is in full agreement that our leaders should be held accountable in matters such as this. When a successful businessman reaches retirement age and has adult children starting their own careers, he believes it is normal to have different housing opportunities and things of that nature come up. Asking the question about residency is simple accountability and he agrees with it. The question was asked and explained to Board member Erika Watkins. What brought this out of the world of accountability and into the world of partisanship was Kathy Watts calling the issue out at the school board meeting and demanding Dr. Behrend's immediate resignation. What has ensued is an all-out political charade participated in by members of the Council. It is a travesty that this Council and public is forced into dealing with this complete farce. Dr. Behrend grew up in Valparaiso, started a business in Valpo and raised a family in Valpo. He has a philanthropic heart and is one of the nicest people you will ever meet. He is highly respected and has spent the last eight years pouring himself into the lives of our youth through service to the Valparaiso school board. His driver's license, voter registration, homestead exemption and all vehicles are registered in Valparaiso because this is where he lives.

Councilmember Pupillo - He asked Attorney Lyp if he has received confirmation of residency from Dr. Behrend.

Attorney Patrick Lyp – He has received a copy of his driver’s license and other documents. The Council is not the body to make the determination as to what is or is not residency. Assuming all documentation he has seen is accurate, Dr. Behrend is a resident of the community of Valparaiso. He discussed the fact that it is up to the School Board to determine residency and only they have the ability to remove a member from the Board.

Councilmember Hunt – It is the School Boards decision but the Council can acknowledge concerns of their constituents. This is a fair and reasonable question.

Councilmember Pupillo – Everyone here thinks residency is important. Legally you are a resident or not. It’s not even the Council’s decision to make. If we want to change that we would have to look at the enabling ordinance which is from 1957. There are some political motives at play here. In the conversation he had with Dr. Behrend, there was some gripe about the board presidency. Board member Watkins wanted to be president and Dr. Behrend is president. Kathy Watts brought this issue to a school board meeting.

Councilmember Hunt – The conversations you are having may be different than the conversations other people are having.

Mayor Costas – There is complete agreement in the Council that Dr. Behrend is an excellent citizen, has served this community well, and he is greatly appreciated. He agrees with Councilmember Hunt that this is a reasonable question. This decision is up to the school board. If there is a vacancy, it is up to the school board to fill that vacancy, not the appointing body.

Councilmember Reed – She appreciates the comments that have been made. She watched the school board meeting. She has read the emails. She is not one to jump to conclusions. She has had a conversation with Dr. Behrend and he provided some clarification. If this continues, she looks for the school board to make a determination.

PUBLIC COMMENTS

TO HEAR CITIZENS’ FULL COMMENTS, PLEASE REFER TO THE WATCH CITY MEETINGS

SECTION OF THE CITY OF VALPARAISO’S WEBSITE (WWW.CI.VALPARAISO.IN.US)

Kathy Watts - 2518 Eisenhower She is the one who asked Dr. Behrend at the School Board meeting if he was resigning since his residence is now Wisconsin. She discussed proof that his legal residence is Wisconsin.

Jennifer Hora – 1953 Grassfork Ct. She is speaking as a resident and a parent. No one is debating that Dr. Behrend is a great guy. In December there was a major radical change to the graduation requirements. The Council can rewrite ordinances. If he is in Wisconsin, how is he talking to the people about what is going on and concerns about the schools.

Duane Davison – 701 Elmhurst He did not know about the residency requirement until he attended the school board meeting last week. He has attended many school board meetings. The Council is the appropriate body that should be listening to and talking with citizens. He feels this should be addressed before the next appointment.

Mayor Costas – They did that. They all spoke very openly about their opinion. They recognize they are not the appropriate body to determine the issue.

James Ferguson – 303 Indiana. Wants to know why Erika Watkins does not cover her heart during the pledge of allegiance.

Carolyn Rodea – 1208 Peachtree. She has been here since 1974. She has seen places in the country where the citizens do not feel safe. She wants Valparaiso to be safe. She is focused on immigrants and their families.

Hannah Trueblood – 703 McCord. She thanked everyone for the response to the emergency warming center. They need to look forward and be prepared.

Mayor Costas – It is not up to government to solve all the problems. Churches have been a big help. Foresight is good. They just completed a brand new shelter with a warming shelter. The City will partner with the non-profits.

Erika Watkins – 4501 Kilchurn Circle. She will place her hand on a bible. She lives in Valparaiso. She asked Rob Behrend if she could complete her four year cycle like everyone else and be President. She was not given that opportunity. She has asked for an executive session. She has never had anyone stand on her side like they are standing for Robert Behrend.

Diana Ilchi -759 Verbena Court. She is here in support of the unhoused people. People work better when they work together.

Jim Bilder – 3070 Indian Summer Circle – He thanked everyone for their professionalism and decorum. He is on the City BZA. He has never seen anyone trying to influence any of the matters brought before the BZA. They are given the facts and information and are expected to come to the best possible decision.

Mary D'Aloisio – 1509 Roosevelt Road. She appreciates everyone that put together the cold weather warming center. The affect the cold has on the body is brutal.

Walt Breitingner – 608 Academy. He relayed a story of Dr .Behrend's father and his wife's pregnancy. No less than 25 people have praised him for his work on the School Board. If Dr. Behrend does not step down, he would like to know why.

Vince Dory – 822 Jefferson. Last March there was a car accident outside his home. Jefferson Street is being used as an alternative for Lincolnway. It was suggested he go to the Traffic & Safety Meeting.

Rob Behrend – 1852 Hampstead Ct. What some people have put his family through no one should ever be put through. Besides his home in Valparaiso he has houses in Naples, Milwaukee and the one in Wisconsin that is being questioned tonight. He is helping his son open his dental practice in Wisconsin. He is an open book. Stop this type of politics in Valparaiso we don't behave this way. He did not answer in the School Board meeting because that was not the place. The school board meetings are meetings in the public not with the public. They are there to conduct the business of the kids.

The Next Council Meeting will be February 10, 2025

The meeting was adjourned at 7:32 p.m.

/s/ Holly Taylor, Clerk-Treasurer