

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

July 27, 2020

The Common Council of the City of Valparaiso, Indiana, met on Monday July 27, 2020 at 6:00 p.m. in City Hall. Mayor Murphy called the meeting to order. The Pledge of Allegiance was said. Present were Councilmembers Reed, Cotton, Schmidt, Pupillo, Anderson, Costas and Douglas.

MINUTES

Councilmember Cotton moved to approve minutes of the July 13, 2020 meeting. Councilmember Reed seconded the motion. Upon voice vote the motion to approve passed with a 7-0 vote.

ORDINANCE NO 10, 2020

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF VALPARAISO, INDIANA, TO ESTABLISH A NEW EQUITABLE IMPACT FEE FOR THE PURPOSE OF PLANNING AND FINANCING PARK AND RECREATIONAL INFRASTRUCTURE TO SERVE NEW DEVELOPMENTS IN THE CITY OF VALPARAISO, INDIANA PURSUANT TO INDIANA CODE CHAPTER 36-7-4-1300 ET.AL.

Councilmember Douglas moved that Ordinance No. 10, 2020 be read a first time and considered on first reading. Councilmember Reed seconded the motion. Clerk-Treasurer Taylor read Ordinance No. 10, 2020. Councilmember Douglas moved to carry Ordinance No. 10, 2020 to the August 10, 2020 meeting. Councilmember Reed seconded the motion.

John Seibert addressed the Council. The City first implemented a park impact fee in 2005. This update has been reviewed by the Advisory Board, Park Board, and Plan Commission. It is part of the building permit process on new residences. All aspects of the park impact fee and update follow State statute.

Attorney Patrick Lyp addressed the Council. Ordinance No. 10, 2020 is substantially the same as the initial Ordinance in 2005. Section 4 lists the current fee amount of \$1,448.00. Section 10 establishes the Review Board. The purpose of this Board is for appeals. The Board has never had to meet. The Plan Commission has voted 6-0 to send this to the Council with a favorable recommendation. At the August 10, 2020 Council meeting there will a Public Hearing.

Chuck Lehman addressed the Council. He explained the formula for determining the amount to be charged for the impact fee. This is determined by a projection of residential growth; not industrial or commercial growth. This is based on a 10-year projection but must be updated, at a minimum, every five years. The Impact Fees cannot be used to finance the current needs of improvements. The impact fees cannot be collected until six months after the Ordinance is approved. The Advisory Committee has recommended having an annual adjustment of 2.50%.

Councilmember Douglas asked for clarification on the appeal process. Attorney Lyp replied there is a three-member board. There has only been one instance where there might have been an appeal, however, the City worked with the developer to come up with a solution.

Councilmember Douglas also asked about the breakdown of single family residential down to assisted living units. Chuck Lehman explained there is a chart in the study showing the estimated breakdown. This might have to be adjusted as the years go on.

Councilmember Cotton stated he does not see anything on non-profit developers, private ownership where a private entity develops a park, and new development in an existing park.

Chuck Lehman replied in response to the non-profit developers, there is nothing in the statute regarding this issue. There are credits a developer can get depending on his project. After discussion, Councilmember Douglas offered a clarification of what Councilmember Cotton might be asking. Page 4 section 5 of the Ordinance discusses the option of financing, construction and dedicating park and recreational infrastructure owned and operated by a neighborhood association for the public benefit instead of making all or part of any impact fee payment. Councilmember Cotton stated he is okay with that scenario, but he is not comfortable with a neighborhood association hiring a developer to develop a facility that could be a monstrosity athletic facility. Attorney Lyp said it is not unusual for a developer to put in a grassy area and a gazebo and then come to the City and ask for a credit on the impact fee.

Councilmember Schmidt thanked Chuck Lehman for the opportunity to be a part of this process. It was a good learning experience. He feels it is good for the citizens of Valparaiso. He supports the 2.50% increase every year.

Upon voice vote the motion to carry Ordinance No. 10, 2020 to the August 10, 2020 meeting passed with a 7-0 vote.

Other Business

Ordinance No. 9, 2020

Attorney Lyp reminded the Council that Council President Douglas requested some additional items be addressed in the noise ordinance. Councilmember Douglas also asked that he provide a copy of the revisions to the Valpo Chamber for their review and comment. Attorney Lyp does not anticipate any negative comments, but is very interested in their perspective and whether the City is creating any unintended consequences. The revised Ordinance will be placed on the August 10 Agenda.

PPE Workshop

Councilmember Pupillo announced there will be a PPE workshop at Zao Island on August 6, 2020 beginning at 5:00. The class is free, but tickets are required. There are 50-60 tickets available.

Councilmember Douglas moved to adjourn the meeting. Councilmember Reed seconded the motion.

The meeting adjourned at 6:55 p.m.

/s/ Holly Taylor, Clerk-Treasurer