

**MINUTES OF THE MEETING
OF THE COMMON COUNCIL
VALPARAISO, INDIANA
July 28, 2025**

Minutes are not verbatim. To Hear Full Comments, Please refer to the – Watch City Meetings Section of the City of Valparaiso’s Website (WWW.CI.VALPARAISO.IN.US)

The Common Council of the City of Valparaiso, Indiana, met on Monday, July 28, 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 (Video), Anderson, Hunt, and Kapitan.

MINUTES

MOTION: Councilmember Kapitan moved to adopt the July 14, 2025 minutes. Councilmember Hunt seconded the motion. Upon roll call vote the motion passed with a 7-0 vote.

ORDINANCE NO. 8, 2025

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF VALPARAISO, INDIANA,
AMENDING VALPARAISO MUNICIPAL CODE SECTION 38.01, 38.02, 38.03 AND 38.04
CONCERNING THE ESTABLISHMENT OF AN ADVISORY HUMAN RELATIONS COUNCIL
WITHIN THE CITY OF VALPARAISO, INDIANA**

Councilmember Kapitan moved that Ordinance No. 8, 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. 8, 2025.

Councilmember Kapitan – The proposed updates to the Human Relations Council reflect the City Council’s ongoing commitment to building an inclusive, respectful and equitable community for residents of all of Valparaiso. The revised Ordinance introduces a more balanced structure with appointments made by both the City Council and the Mayor. It is important that Valparaiso affirms its value through shared governance. Providing the Mayor and the Council with appointment authority reinforces the system of checks and balances. This strengthens our human relations council and safeguards it from political fluctuations. A significant update in the Ordinance is the removal of the word “advisory” from the Council’s name. The Human Relations Council deserves to be recognized as a public facing body that serves as a bridge between residents and City government. The updated Ordinance aligns the HRC’s duties with the City’s Human Rights Ordinance. Councilmembers Hunt and Kapitan met with members of the AHRC. It was a productive and respectful conversation that was aimed to gain a better understanding of the concerns regarding these changes. Those serving on boards, councils or committees are stewards of the seats they occupy. The changes are designed to ensure that the Human Relations Council continues to serve and benefit Valparaiso well into the future regardless of who is in these seats.

Councilmember Hunt – She reaffirmed her support of this amendment. She has heard words like “power grab” and “political hijacking”. This is a funny way to describe an ordinance that proposes that two branches work together and share appointments. As a legislative body one of their jobs is to review the Municipal Code and ensure it accurately reflects the needs of the residents. This amendment was introduced to ensure the City

executive and legislative branches are receiving the same information on matters related to human relations. She supports collaborative government and expects our elected leaders to work together despite their personal beliefs. This amendment not only reflects that expectation, it requires it. This amendment adds Council appointments and Council perspectives. Nothing else will change. There have been questions as to why the board wasn't included in drafting of the amendment. It did not occur to her that any member would no longer want to serve based on those changes. The amendment was written with the hope that each member would remain in their seats and remain as committed to this Board as they were when they were first appointed. It was suggested the Council form their own board. But where does that get them? Two boards would breed the very division the AHRC is built to address and which this amendment seeks to prevent. This Ordinance seeks to ensure the success of the HRC despite who sits in these seats. This Ordinance is not a power grab. It is a commitment to democracy.

Councilmember Domer – She supports Ordinance No. 8, 2025 because it encourages and facilitates collaboration between the public, the Common Council and the Mayoral branches of local government. The shared purpose is for the betterment of Valparaiso's residents.

Councilmember Cotton – He supports the reform. Any human relations commission must be public facing. He has welcomed this change for many years.

Councilmember Reed – She appreciates those that are currently serving. It is a very diverse group and is needed in our community. She had originally supported having an additional separate board. There is room for growth and change. Should this need to be revisited again, they have the ability to do that. If it does not work then they can revert back to how it may have been structured before or find a new path forward. It is her hope that the individuals that are currently serving continue to do so.

Mayor Costas – He is strongly opposed to this. The Council enacts ordinances and it has fiscal oversight. The Mayor's office is in charge of the delivery of all City services, overseeing 400 employees and essentially the daily operations. His job is much different than the Council. The Council is a group of seven that act as a board not as individuals. He found the AHRC to be very effective as he manages the delivery of services. This is the touch point of issues regarding minorities in our community. How will the Council assign tasks. By voting? It sounds good in theory but he sees it as problematic. This Ordinance tries to take this committee and put it on a different committee which is controlled by the Council. As you read it, the purpose says to advise the Council. There is little advising of the Mayor in this. It is advising the Council in their duties regarding enacting ordinances and fiscal oversight. At the last meeting he asked them not to take the current members and do away with the HRC. Also, he told them he does not want any mayoral appointments on this Board because it is a Council committee. He may keep his committee. He has concerns about how they will assign tasks. It also says the HRC may pursue identification of specific barriers to equal opportunity. Will this be by vote? He does not feel this Ordinance is a good idea. There was not a serious attempt to compromise. He senses there is a lot of support but he wants to go on record as saying he does not think it is a good idea. The current committee has worked well for the City. He encouraged the Councilmembers to rethink their positions on this.

Councilmember Cotton - He appreciates the Mayor's fondness of the committee that the City Council created in 2015. He has spoken with former Council people who said they gave you what you wanted. Not many Human Relations Councils have been cloistered into the realm of simply being an advisory committee rather than public facing. The Mayor does not lose one iota of his ability to be consulted and advised. Councilmembers in addition to their fiscal responsibilities have a representative role to play in assuring a

quality of life and quality of place. He thinks this would be a more diverse group with appointments made by different people rather than just the Mayor. He appreciates the Mayor's sentiment

UPON ROLL CALL VOTE the motion to adopt Ordinance No. 8, 2025 passed with a 5-2 vote. Councilmembers Pupillo and Anderson voted No.

ORDINANCE NO. 14, 2025

AN ORDINANCE AMENDING THE CAPACITY FEE IN THE DAMON RUN AREA

Councilmember Kapitan moved that Ordinance No. 14, 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. 14, 2025.

Steve Poulos - Wastewater flows from Damon Run system and is conveyed to the City of Portage wastewater treatment plant. The City of Portage recently amended their sewer connection fee from \$2,200 to \$4,000 which has been approved by the City of Portage Common Council. Due to the increase by the City of Portage, the Valparaiso City Utilities are requesting that the current sewer connection fee for future Damon Run customers sewer connections be adjusted for a total connection fee of \$4,909 of which \$4,000 will go to the City of Portage and the balance of \$909 will go to VCU.

Public Hearing

Seeing no one wishing to address the Council, Mayor Costas declared the Public Hearing closed.

Questions/Comments from the Board

Councilmember Kapitan – This is for future customers, not current customers.

UPON ROLL CALL VOTE the motion to adopt Ordinance No. 14, 2025 passed with a 7-0 vote.

ORDINANCE NO. 15, 2025

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF VALPARAISO, INDIANA, AMENDING SECTION 36.21 OF THE VALPARAISO MUNICIPAL CODE

Councilmember Kapitan moved that Ordinance No. 15, 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. 15, 2025.

Councilmember Hunt – This is a housekeeping matter. The Ethics Ordinance was adopted September 11, 2006 and was later amended by Ordinance 20, 2024. Certain provisions that were included in the original Ethics Ordinance that was passed in 2006, were not included in the Municipal Code. This Ordinance includes those five provisions.

Mayor Costas – These were not put in and then removed on purpose. It does refer to State statute which supersedes local law.

Councilmember Cotton - Because these things are covered by State law criminal code, is there a need for an Ethics Board?

Mayor Costas – Ethics and criminal conduct are two different things. Ethics has higher standards. Criminal law is infractions that invoke criminal penalties.

Councilmember Cotton – So is it not necessary for an Ethics Board to point out points of official misconduct, bribery. They would not prosecute it like a prosecutor would do.

Attorney Patrick Lyp – The Ethics Code explicitly gives the Ethics Board the authority to refer matters over to the Porter County Prosecutor. The City’s conflict statute of the municipal Code is more restrictive than State law.

UPON ROLL CALL VOTE the motion to adopt Ordinance No. 15, 2025 passed with a 7-0 vote.

ORDINANCE NO. 16, 2025

AN ORDINANCE VACATING PLATTED ALLEY BETWEEN ERIE STREET AND CHESTNUT STREET IMMEDIATELY ADJACENT TO 254 AND 256 ERIE STREET PORTIONS OF LOT 1 AND LOT 2 IN BLOCK 42 IN THE ORIGINAL SURVEY OF THE TOWN (NOW City) OF VALPARAISO

Councilmember Kapitan moved that Ordinance No. 16, 2025 be read a first time and considered on first reading. Councilmember Hunt seconded the motion. Clerk-Treasurer Taylor read Ordinance No. 16, 2025.

Bob Thompson - Petitioners, Lee I. Lane and Jerry & Patricia Doidge have filed a petition to vacate a public way. The petitioners are requesting the public way (alley) between Erie St. and Chestnut St. be vacated. Per State code if a petition is filed to vacate a public way, the Council shall hold a Public Hearing within 30 days of the filing date. The vacation would have to be approved by Ordinance. So therefore, it is a Council action. This Petition received a 7-0 favorable recommendation from the Plan Commission. The Board of Works gave a 3-0 favorable recommendation. It is now at the City Council to decide whether or not to vacate the public way.

There is one survey dated 1941 and the other is dated 1976. The 1941 survey is signed by Guy Stinchfield. In the second paragraph he states that in making the survey he has assumed that the north and south alley through said Block 42 is vacated and closed as it has been for the past 40 years. The 1976 survey is a mortgage loan inspection plat. It was produced by Emil Beeg and notes a vacated alley and it notes the iron pipe as the marker point. Both houses were built into the vacated alleyway. On the 1976 plat the house that has been torn down, is located 1.5’ into the alley. The house on 256 Erie which is the one to the west of the unimproved alley is also built approximately 1.5’ into the alley. It is not shown on the plat but you can see it visually. There are no City utilities in the alley way. They have called 811 for service marking. Fred Litke has lived across the street for 40 years and is the owner of the parcel Lee Lane wishes to purchase. The fence on tonight’s subject property has been there for as long as he can remember. There are old growth trees in the alleyway. Clearly nothing has been done in this area. It has never been used by the City.

Public Hearing

Kenard Taylor – 306 Napoleon. He has lived 1.5 blocks from this property for over 40 years. The proposed vacation has never been an alley and there is no need for an alley.

Sean Barnes – 258 Erie. She supports the vacation. She thinks the alley way was originally used to access what used to be a horse stable.

Seeing no one else wishing to address the Council, Mayor Costas declared the Public Hearing closed.

Councilmember Domer – She asked for clarification that the city utilities and NIPSCO reviewed this parcel. There is never going to be a time where they need to access this for utility purposes.

Bob Thompson – There are utility poles on the property. They are within the utility right of way. They would only be used for running service to these two houses.

Councilmember Domer – Is this the only block in the City where the front of a house faces one street and the back faces another?

Attorney Patrick Lyp – The fact that a house has been on the property for 100 years would not undermine the City's claim. In past situations like this the Board of Works has granted an encroachment agreement. Typically the City does not vacate because once you start where do you stop. Utility companies never know when they will need access. The key thing here is the uniqueness of the property and there are currently no utilities buried underground. In this case it makes sense to vacate and to clean the public record up going forward.

Councilmember Anderson – He thanked Sean Barnes for her explanation of how she thinks this happened.

UPON VOICE VOTE the motion to carry Ordinance No. 16, 2025 to the next meeting passed with a 7-0 vote.

COUNCIL LIAISON REPORTS

Councilmember Hunt – The School Board meeting is Thursday at the Administrative Building.

Councilmember Reed – Park Board meeting is tomorrow.

Councilmember Cotton – The Fire territory meeting will be rescheduled. They are waiting for a report from Baker Tilly. Abonmarche has been hired to begin the preliminary design of Fire Station #4. The Local has begun working on negotiations with the City for a new contract.

Councilmember Kapitan – The Plan Commission will not meet in August. The Environmental Board meeting is on August 4th. The Traffic and Safety Committee meeting is on August 18th.

Councilmember Domer - The RDC met on July 17th. The proposal from Browning Day for the east side campus master plan was presented and reviewed. The CSX railroad claimed some land that the City thought was theirs so there was a request for funds and a supplemental agreement. The Board of Works approved a downtown street scape project. There is \$90,000 worth of expenses to be paid due to delays in the construction of the Linc apartments. Alley paving was approved. Mark Worthley was contracted as attorney for the BZA and Plan Commission.

Councilmember Kapitan – She questioned that the City was paying for delays on a project that they are not in charge of.

Mayor Costas – Sometimes there are delays by one subcontractor that cause excess costs from another subcontractor. Unfortunately, that is just the cost of doing business because you cannot see the delays. One delay was the water main break. It is not great when that happens but sometimes delays and unexpected things happen.

Councilmember Domer – She asked at the RDC meeting and was told it is not in the contract for any Linc delays to be passed on to the developer. The City is responsible. Both change orders were due to Gariup Construction.

Councilmember Pupillo – No report.

Councilmember Anderson – There was a Service Agreement signed with DLZ for a sewer separation project. A proposal was accepted for a storm sewer lining at Vale Park and Westminster. A water and sanitary sewer construction plan for Meridian Woods Subdivision was approved. Steve Poulos presented the Water Resources Plan. This looks at what it costs to continue to provide our own water through City wells versus bringing in Indiana American Water.

Mayor Costas – It is always good to have redundant resources.

Councilmember Cotton – Is Indiana American the only option. He has heard they are involved in poor management.

Steve Poulos – He has been working on this report for several years. That is the responsible thing to do. He is not aware of any poor management. He missed the copy of an article that Councilmember Cotton sent him. For other options they could ask Michigan City to run a pipe. They could go to East Chicago or Hammond both of which are pretty far. Indiana American is the closest connection point. They are already located on 700 North and also on 500 North.

Mayor Costas – Having a redundant source ensures that supply is never going to be an issue. The City would control all the deliveries. It is just a matter of buying water bulk so we really would not be relying on them for operations.

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)

Carmen Collins – Resides in Valparaiso. She is a board member of L & L Foundation.

Karen Hannon – Carmen's Sister and is the founder and president of L & L Foundation which is a clothing line for children with cancer. She has been on Shark Tank with her product. This year they are having a Willis family event. The gala is in Merrillville on September 13th.

James Ferguson – 303 Indiana. He was kicked out of the Farmer's Market on Saturday. He was demonstrating with a sign about gender dysphoria. PFLAG was in attendance to speak to people regarding transgender.

Vince Dory – 822 Jefferson. The Tree City program is a great program. An arborist planted a tree outside his home. His easement gets 8 hours of sun. He would like the rules regarding switching the grass in his easement so it does not need so much water. There is a tree in front of Schidler Dentistry that is damaged.

Brandon Long – 577 Glenwood Dr. He is disappointed Ordinance No. 8, 2025 was passed tonight. He senses confusion regarding the separation of the branches of government. Currently the people were bringing comments and concerns to the Mayor now it is the Council telling the people.

Councilmember Hunt -If the Mayor chooses not to take his appointments there is a provision that those would go to the Council to fill. As far as funding, that has traditionally come from the Mayor's office. There is no plan for funding. Last year they talked about what funds had been dedicated to the Disability Programs.

Councilmember Kapitan – Having the opportunity beyond an advisory role they now have a group that can come up with a budget. When they say public facing, they are saying they have further control over what they are doing.

The Next Council Meeting will be August 11, 2025

The meeting was adjourned at 7:10 p.m.

/s/ Holly Taylor, Clerk-Treasurer