

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

July 12, 2021

The Common Council of the City of Valparaiso, Indiana, met on Monday July 12, 2021 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 stated the minutes incorrectly say he was asking about the “paver” rating and it should be PASER rating. He also stated he would like to see that rating go from 5 to 6. Councilmember Douglas moved to approve minutes of the June 28, 2021 meeting with the change mentioned by Councilmember Cotton. Councilmember Reed seconded the motion. Upon voice vote the motion to approve passed with a 7-0 vote.

**RESOLUTION NO. 11, 2021**

**A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF VALPARAISO,  
PORTER COUNTY, INDIANA, ADOPTING A FISCAL PLAN FOR THE  
ANNEXATION OF PROPERTY KNOWN AS THE “PRAIRIE RIDGE ANNEXATION”**

Councilmember Douglas moved that Resolution No. 8, 2021 be read and considered for passage. Councilmember Reed seconded the motion. Clerk-Treasurer Taylor read Resolution No. 11, 2021.

Beth Shrader addressed the Council. This Resolution is the Fiscal Plan for the Prairie Ridge Annexation and Ordinance No. 14, 2021 is the Annexation Ordinance. The County zoning for this development is Low Density Residential which has one acre lots with septic and well. There were 70 homes built in the development. All the homeowners were required to sign a Waiver of Remonstrance when they connected to the sewer and water. Those waivers were signed beginning in 2007 through 2015. Each was signed and recorded. The waivers are only for 15 years. The oldest waiver will expire about a year from now. The City is reaching the point of going forward with the annexation or it will be too late. In the 2013 Master Plan it was anticipated that this area would be annexed.

The Fiscal Plan shows a modest increase in revenue. This is an Involuntary Annexation. The property meets the contiguity requirements. Additional meeting and notice requirements will be met. For three years there is an impound fund which is excess money collected that is not used for City services. An advisory board will be appointed, and they must approve any expenditures out of the impound fund. At the September 13, 2021 Council meeting there will be a Public Hearing on Ordinance No. 14, 2021. At the October 25, 2021 Council meeting the Ordinance can be adopted. There is a 90-day period for remonstrances after that. The Auditor will work with the City to make sure any remonstrances are valid. This annexation shows a net positive impact to the City over time. Within one year of the effective date of the annexation the municipality must begin providing noncapital services. They are already in the township’s fire territory. New services will be police, street maintenance, trash and recycling, parks and storm

water and drainage. Within three years all the plans for capital improvements must be in place. Water, waste water and street construction are all in place. So, there is nothing to do.

A few last minute changes have been made. On page 2, number 8 ensures the City will touch on every element of a Fiscal Plan. On pages 12 and 15 there are updated figures for the circuit breaker impacts. The main concern heard from residents is taxes. The way this Ordinance is prepared there will be no impact until 2024. The Pathadia property to the south is zoned suburban residential. This addressed concerns of industrial going in. Other concerns are: bus stops. Beth is working with the Transportation Director at the High School. A park on the south side of US 30. Additional lighting along Sturdy. Project Management is looking at this. Traffic concerns. The City is looking at improvements at 49 and Division. Regarding speed concerns, the Police Department is looking at implementing Project Safe Way.

The Council's role in an annexation is to review and adopt the Fiscal Plan. Conduct a Public Hearing on the annexation. To consider the recommendation from the Plan Commission of Suburban Residential zoning. Adopt the annexation Ordinance.

Councilmember Anderson asked if the City paid for the sewer and water to the development. Beth explained the services were in the vicinity. The developer paid to extend them to the development. Councilmember Anderson asked Beth to clarify the impoundment fund. Beth replied this is what is left after the basic services have been paid. The Advisory Board will determine how that money can be spent.

Councilmember Cotton asked about the 1-3 year discretion to establish the initial receipt of AV. Beth explained the effective date can be delayed up to three years. That also delays the provision of City services. Councilmember Cotton asked about the source of the impoundment fund. Beth replied it is the balance of all revenue received less all services. It is up to the advisory board how that money gets spent.

Councilmember Douglas asked about the absolute date. Beth explained the remonstrance period and the ordinance must be ok before the waivers expire. The impound fund is part of the annexation Ordinance and not the Fiscal Plan.

Councilmember Douglas moved to adopt Resolution No. 11, 2021. Councilmember Reed seconded the motion. Upon roll call vote, the motion to adopt Resolution No. 11, 2021 passed with a 7-0 vote.

## **ORDINANCE NO. 14, 2021**

### **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 "PRAIRIE RIDGE SUBDIVISION")**

Councilmember Douglas moved that Ordinance No. 14, 2021 be read a first time and considered on first reading. Councilmember Reed seconded the motion. Clerk-Treasurer Taylor read Ordinance No. 14, 2021.

Beth Shrader addressed the Council. At the September 13, 2021 Council meeting the Public Hearing on this Ordinance will be held. Any questions or comments should be given to Beth before that meeting. The effective date is proposed as December of 2022.

Councilmember Douglas moved to carry Ordinance No.14, 2021 to the September 13, 2021 meeting. Councilmember Reed seconded the motion. Upon voice vote the motion passed with a 7-0 vote.

### **ORDINANCE NO. 12, 2021**

#### **AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF VALPARAISO**

Councilmember Douglas moved that Ordinance No. 12, 2021 be read a first time and considered on first reading. Councilmember Reed seconded the motion. Clerk-Treasurer Taylor read Ordinance No. 12, 2021.

Beth Shrader addressed the Council. The property to be rezoned is on the north side of West Street. It comes to the Council with a positive recommendation from the Plan Commission. The request is to rezone the property Business Park.

Attorney David Woodward, the developer and business owner addressed the board. They are requesting the rezone in order to build a small business park. They anticipate building 5-6 units. The first business will be an airport management company. This will bring pilots to the area with an average yearly salary of \$200,000 to \$225,000. There will not be any manufacturing in this business park.

Councilmember Douglas commented that West Street is very narrow. The Developer explained there will be a road off West Street going back into the business park. He also advised there will be zero impact on the wetlands.

Councilmember Douglas moved that Ordinance No. 12, 2021 be carried over to the July 23, 2021 meeting. Councilmember Reed seconded the motion. Upon voice vote the motion to carry Ordinance No. 12, 2021 to the July 23, 2021 meeting passed with a 7-0 vote.

### **ORDINANCE NO. 13, 2021**

#### **AN ORDINANCE APPROPRIATING FUNDS IN THE ST. PAUL PROJECT EID FUND AND PROVIDING FOR PUBLICATOIN OF NOTICE**

Councilmember Douglas moved that Ordinance No. 13, 2021 be read a second time by title and a third time in full and be considered for adoption and the opportunity be given for the offering of amendments. Councilmember Reed seconded the motion. Clerk-Treasurer Taylor read the Ordinance. Councilmember Douglas moved to adopt Ordinance No. 13, 2021. Councilmember Reed seconded the motion.

Mayor Murphy announced Ordinance No. 13, 2021 requires a Public Hearing and presented Proof of Publication that at tonight's meeting the Council will hear comments on the appropriation of \$44,869.33 in the St. Paul Project EID Fund. Attorney Patrick Lyp reported no

requests or comments were received from the Public by email. Seeing no one wishing to address the Council, Mayor Murphy declared the Public Hearing closed.

Clerk-Treasurer Taylor addressed the Council. The City has received \$44,869.33 with the last tax draw. Money is paid back to the developer for a period of 10 years.

Councilmember Douglas moved to adopt Ordinance No. 13, 2021. Councilmember Reed seconded the motion. Upon roll call vote the motion to adopt Ordinance No. 13, 2021 passed with a 7-0 vote.

### **ORDINANCE NO 16, 2021**

#### **AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF VALPARAISO TO ESTABLISH A PROCESS TO ADDRESS CHRONIC DISORDERLY PROPERTY**

Councilmember Douglas moved that Ordinance No. 16, 2021 be read a first time and considered on first reading. Councilmember Reed seconded the motion. Clerk-Treasurer Taylor read Ordinance No. 16, 2021.

Attorney Patrick Lyp addressed the Council. He discussed that at times the Police Department gets repeat calls to a location for disturbances. This is a chronic problem and measures should be taken to encourage property owners to eliminate repeat offenders.

Chief Jeff Balon addressed the Council. The chronic problem calls cost the City money. The calls are also wearing on the officers. When they get called 176 times to the same location, that is taxing on the officers. This hurts morale. This Ordinance is designed to hold owners of the property accountable.

Attorney Lyp explained that Disorderly Property is where prohibited conduct occurs on three separate occasions over a 30-day period. A warning will be issued, and the owner asked to come to the Department and discuss remedies to the situation. The fines start at \$500 for the first violation, \$1,000 for the second, and \$7,500 for the third violation. This is not intended to be a deterrent for asking for police help.

Councilmember Reed suggested there should be a distinction between properties where there is a large number of units as opposed to other properties where there is just one or two units. In her area there is a turnover of people yearly. The property owners need to be responsible for who they are renting to. Attorney Lyp said he will work with her and Chief Balon to come with language to address this.

Councilmember Costas suggested landlords should be notified of this new Ordinance so they can include language addressing it in their lease.

Councilmember Schmidt asked how this is handled now. Chief Balon replied on the patrol level and attempt to contact the property owner. Councilmember Schmidt asked how many were local residents. Chief Balon replied most of them are local.

Councilmember Cotton asked what is the frequency of criminal arrest. Chief Balon replied he does not know the exact number but believes a large percentage is arrest or criminal investigation.

Councilmember Douglas asked if this applies to just dwellings or if bars etc included. Attorney Lyp replied any property or business falls under this Ordinance. Fines collected will go in the General Fund. Clerk-Treasurer Taylor added a new revenue line might be added so they can track income.

Councilmember Pupillo thanked Attorney Lyp and Chief Balon for putting this together. The most important thing is to keep residents safe and this is a good way to do it.

Attorney Lyp advised he will present a “red lined” version before the next meeting. In the meantime, anyone with questions or comments should contact him.

Councilmember Douglas moved that Ordinance No. 16, 2021 be carried over to the July 23, 2021 meeting. Councilmember Reed seconded the motion. Upon voice vote the motion to carry Ordinance No. 16, 2021 to the July 23, 2021 meeting passed with a 7-0 vote.

### **ORDINANCE NO. 17, 2021**

#### **AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF VALPARAISO, INDIANA, ESTABLISHING REGULATIONS GOVERNING PARKING IN THE EAST GATE AND UNIVERSITY PROMENADE AREAS**

Councilmember Douglas moved that Ordinance No. 17, 2021 be read a first time and considered on first reading. Councilmember Reed seconded the motion. Clerk-Treasurer Taylor read Ordinance No. 17, 2021.

Attorney Patrick Lyp addressed the Council. There are a lot of issues going on with these buildings. However, this Ordinance pertains to changes being made to the parking. There is an MOU in affect with VU that has worked well. The property owners will now need 319 parking spaces to satisfy the needs of Uptown.

Councilmember Douglas asked how the permits will be issued. Attorney Lyp explained this Ordinance does not change the process. The property owners will purchase the permits from the City and will then administer selling them to the occupants.

Councilmember Anderson asked for clarification on the map and where parking will be on West LaPorte. Attorney Lyp explained the parking using the map that has been distributed. They will be 24-hour permits. Retail in the area will have spots allotted to them for customers.

Councilmember Cotton asked if non-permitted vehicles get tickets. Which was answered yes. Regarding the open space, Attorney Lyp replied he hoped the property owner would work with the City and make sure parking issues are not created if the land is developed.

Councilmember Reed suggested where Roosevelt ends at LaPorte should be made a 3-way stop. She also asked that everyone be cognizant of McIntyre and Monroe Streets. There are quite a few people who do not want to purchase a parking permit so they park on McIntyre and Monroe,

disturbing the neighborhoods. Mike Jabo responded Traffic and Safety has already been discussing the 3-way stop. He will look at the McIntyre and Monroe Street issue.

Councilmember Reed asked if there is other permitted parking in the City. Attorney Lyp replied most of downtown is permit parking.

Councilmember Cotton asked if parking ticket money collected by VU security goes to the University or the City. Attorney Lyp replied the City gets the money. He further explained the City gave VU a book with 100 tickets in it five years ago. They have not filled the book yet.

Councilmember Schmidt asked if the MOU will be kept or rescinded. Attorney Lyp replied he will work with the University on this issue. He would hope the University will continue to partner with the City.

Councilmember Cotton asked if the police patrol this area and issue tickets or is it the meter maid. Chief Balon replied Dawn issues all parking tickets in the City.

Councilmember Douglas moved that Ordinance No. 16, 2021 be carried over to the July 23, 2021 meeting. Councilmember Reed seconded the motion. Upon voice vote the motion to carry Ordinance No. 17, 2021 to the July 23, 2021 meeting passed with a 7-0 vote.

### **Council Reports**

None.

### **Public Comment**

None.

The meeting adjourned at 7:19 p.m.

/s/ Holly Taylor, Clerk-Treasurer