

**MINUTES OF THE MEETING
OF THE COMMON COUNCIL
VALPARAISO, INDIANA
August 8, 2022**

The Common Council of the City of Valparaiso, Indiana, met on Monday August 8, 2022 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 Peterson.

AIDEN GUTIERREZ PROCLAMATION

Mayor Murphy introduced the VHS Boys Golf Team. Aiden Gutierrez, as a sophomore, won Indiana State Champion. Aiden is only the second golfer in VHS history to win State Champion. The VHS boys golf team came in seventh in the State.

MINUTES

Councilmember Cotton moved to adopt minutes of the July 25, 2022 meeting. Councilmember Schmidt seconded the motion. Upon voice vote the motion passed with a 7-0 vote.

ORDINANCE NO. 18, 2022

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF VALPARAISO, INDIANA,
APPROPRIATING THE PROCEEDS OF BONDS OF THE VALPARAISO REDEVELOPMENT
AUTHORITY, INCLUDING INVESTMENT EARNINGS THEREON, AND RELATED MATTERS**

Councilmember Schmidt moved that Ordinance No. 18, 2022 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.

Attorney Lyp advised this is second reading and Public Hearing for Ordinance No. 18, 2022. Once the Bonds are issued, this Ordinance gives the Clerk-Treasurer the authority to appropriate the funds.

Public Hearing: Mayor Murphy announced that Ordinance No. 18, 2022 requires a Public Hearing and presented Proof of Publication that at tonight's meeting the Council will consider the appropriation of the bond proceeds of the Valparaiso Redevelopment Authority, including investment earnings thereon and related matters. Seeing no one wishing to address the Council, he declared the Public Hearing closed.

Comments from the Board: Councilmember Cotton asked what the interest rate will be. Attorney Lyp replied he does not know yet.

Motion: Councilmember Schmidt moved to adopt Ordinance No. 18, 2022. Councilmember Reed seconded the motion. Upon voice vote the motion passed with a 7-0 vote.

Community Update

Attorney Patrick Lyp gave an update on several projects going on within the City.

1425 Glendale – There were no City incentives for this project, and this is not a City Project. The City had issued a Demolition Order. The property owner was able to obtain financing. In 2021 the property was put into receivership. The Court has approved a sale of the property. The City should receive \$16,000 they have issued in fines and other costs. Vicki Thrasher has worked very hard to secure this property and move it along to where it is today. She has gotten the Park Department to get the property mowed. The City is only allowed to

do so much. The Court has approved a sale of the property. This should happen sometime in October. Because of the good work of Vicki Thrasher and Attorney Estrada, the City's liens are perfected which means we should receive 100% of fines and costs.

ARPA Plan – The first non-profit distributions will go out early next week.

Demolitions – Before Popcorn Festival 307 and 309 Lincolnway will be demolished. After Popcorn Festival the property at 302, 304 and 306 will be demolished. The building at 306 Lincolnway will take longer. It has been determined it has a common wall with its neighbor at 308. The building on 58 Jefferson will also be demolished after Popcorn Festival. The southeast corner of Lincolnway and Morgan and 58 Jefferson will be used for short term parking until the garage is completed. The Whispering Pines building will be demolished by the end of 2022.

Opioid Settlement – The City will receive approximately \$1.1 Million Dollars from Johnson and Johnson as a settlement in the opioid litigation. This will be paid out over 18 years. They are researching with the Attorney General's Office to determine what will be restricted and what is unrestricted.

Solar Project – The City has five solar projects. There will be 870 panels installed throughout the City. It is anticipated within eight years there will be a cost savings to cover the cost of this project.

Brooks – The Developer is working with the Army Corp of Engineers to remedy issues. The City had issued 10 Notice of Violations prior to the last City Council meeting. Five more have been issued. Some of the violations have been against a new builder.

Sports Complex – Last week the Park Board awarded Tonn and Blank a contract for preconstruction services. Four bids were received. All were qualified.

ISP – Fiber Optics. The company who was doing the installation downtown had their permits pulled. They were not following the City guidelines for right-of-way. The company was making promises they did not keep. ValpoNet was to encourage more ISP in our community. That has been successful. There is a finite amount of land in a right of way, and this not only has to house the fiber but also the water line, sewer, etc. The water towers in town co-host cell installations. The City is looking at ways to untangle the amount of fiber lines and other buried infrastructure.

Comments from the Board:

Councilmember Cotton discussed the ISP project. He thought the ValpoNet was for others to hook on so no more fiber had to be laid. The company that was doing the installation now is from Canada. They are only a few years old and are owned by a hedge fund. He would like to know how the decision was made to give this company the job. On the Glendale property, are there any codes that say who can buy the property. Mayor Murphy explained there is a deed restriction on who can purchase the property. The ARPA fund has \$14,000 extra. He thinks the City should consider changing its fleet of vehicles over to electric vehicles. This would save money and help with clean air. He would like to see a feasibility study done on the sports complex. He feels the cart is being put before the horse. Mayor Murphy stated a feasibility study has been done. He will see that Councilmember Cotton gets a copy. Councilmember Cotton has not seen a copy of the RDC annual report and he would like to have one provided. There are several annexations pending. He would like an update, including Aberdeen.

Attorney Lyp replied ValpoNet was not intended for all of Valparaiso. It covers the outer perimeter and then is available for others to connect and take to the individual users. Two companies have already hooked up and are making payments to the City. Companies come to the City and request permits. If they qualify the permits are granted. In this case the contractor did not live up to promises made to the City.

Councilmember Reed asked if once the permits were pulled did the City have to do any repairs. Attorney Lyp replied the company was responsible. Fines were imposed. A pre-condition to get the permit back is the City must be made whole on any expenses it incurred.

Councilmember Cotton stated that quality contractors need to be given permits.

Public Comment

Duane Davison – 701 Elmhurst. Thanks for the update. In the Post Tribune there was an article regarding the Brooks development. Why does the City have an MS4 Coordinator if that person is not allowed to work on a project? At the last meeting a former Councilmember could not get a response from the City about the Brooks development. A neighboring HOA tried for several years to meet with the developer and the City to come to resolutions. Their concerns were not addressed. The City needs to do better in the communication area. The City staff monitored Brooks every day or every other day. The City was proactive with ISP. He appreciates the City taking ownership of that project. They should do the same when others do not meet our standards, such as the Brooks.

Michael Mirochna – 605 Washington. He recently moved into the City limits. Since that time, he has had a fire in his home and a parkway tree fell and hit his home and car. He has been very pleased with the City services in dealing with these two issues. There was a quick response and everyone was helpful. The Johnson and Johnson settlement money should be used to help the community with opioid issues. He thanked the administration for answering emails. He thanked Councilmember Anderson for starting a Disability Council. The extra \$14,000. It would be nice to know if there will be a process or will the money go to someone who has already applied. In a couple of weeks citizens will pay 67% more on the trash bills. The City should be going after money for green fleet initiatives. Elevate Valpo lacked specificity. The garage is a liability and will not make any money. There need to be answers to issues in the Brooks Development.

Deb McLeod – 454 Marian. Concern over SurfNet and no control over them. Doesn't the City do due diligence? The City did not investigate the company before issuing permits. She keeps hearing there are "discussions". Where are these discussions held? Citizens are not informed about the discussions so they can participate. They are told about things after the fact. Two councilmembers have lots in Brooks. How much input does Chuck Williams have on the projects downtown? Citizens don't seem to have any input. Why? How does his vote count more than citizens?

Gary Brown – 203 Harrison. It is close to the six-month anniversary of the issue with Beauty Creek. There was an article in the paper but it is not on the Agenda. The City has issued fines that are miniscule. Water from Beauty Creek ends up going into Lake Michigan. Who is testing the water? If the City is not, then someone else will.

Susan Davis – 56 Chicago. Her experience with the Departments in Valparaiso has been terrific. The reason she and her husband moved here is because of the nature of the surrounding area to downtown. She is concerned about the top floor setback of the apartment buildings in the Linc project. The developer did not want to lose a couple of units, so they asked for a variance. The BZA said ok – whatever you want. She lives in Block C and wants to see it as medium density. The City administration needs to keep citizens informed.

Kennard Taylor – 306 Napoleon. The roundabout at Lincolnway and Campbell is a good idea. He travels through this intersection six days a week. He asked that they be aware of the entrance for the post office drop off on Campbell Street. There is not much pedestrian traffic at this intersection.

The meeting adjourned at 7:06 p.m.

/s/ Holly Taylor, Clerk-Treasurer