

**MINUTES OF THE MEETING  
OF THE COMMON COUNCIL  
VALPARAISO, INDIANA  
May 23, 2022**

The Common Council of the City of Valparaiso, Indiana, met on Monday May 23, 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, Peterson, and Costas.

**2022 City Government Academy**

Maggie Clifton recognized the 2022 City Government Academy. There were 30 citizens who completed the academy. Maggie then pointed out the new mural in the Council Chambers. The Valparaiso Community School Art teachers oversaw this project. There were 4,000 individuals involved in making this. The mural represents all the community schools and some other Valparaiso landmarks.

**MINUTES**

Attorney Patrick Lyp reviewed the new procedure regarding emails from the public. Emails were an accommodation that was extended during the covid pandemic. Many of the restrictions have been lifted by the Governor. Therefore, from now on Citizen Comment emails should be directed to the Mayor and Councilmembers. They will not be acknowledged or made a part of the minutes. Email addresses for all elected officials are on the City's web site. Emails received for a Public Hearing will be acknowledged at a Council meeting.

Councilmember Cotton stated the Agenda should be changed to reflect this change. Attorney Lyp replied citizens are encouraged to submit emails. The Agenda does not reflect that an email will be read at a meeting. Absent there being a legal requirement, the Boards and Commissions will discontinue that practice.

Councilmember Schmidt moved to adopt minutes of the May 9, 2022 meeting. Councilmember Reed seconded the motion. Upon voice vote the motion passed with a 7-0 vote.

**ORDINANCE NO. 12, 2022**

**AN ORDINANCE APPROPRIATING FUNDS IN THE PARK & REC GENERAL FUND AND PROVIDING FOR PUBLICATION OF NOTICE**

Councilmember Schmidt moved that Ordinance No. 12, 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 Ordinance No. 12, 20223.

Councilmember Reed asked for clarification on the loss revenue. John Seibert explained there was approximately a \$300,000 loss in revenue in the recreation funds due to restrictions. However, they also kept their expenses down. There has been a rebound in golf. Golf revenue must be spent on golf.

Councilmember Cotton stated he thought the Park Department consolidate all the different activities from various departments, profits and general fund and come down to a net number. In 2021 that net loss number appears to be \$131,000. John Seibert replied it was a net positive in 2021. When they make a request for expenditures, they have already collected the money. This year they are tracking well. They watch their cash flow to make sure they have the cash before they ask to spend it. Recreation Revenue in 2019 was \$733,000 and \$459,000 in 2020.

Mayor Murphy announced that Ordinance No. 12, 2022 requires a Public Hearing and presented Proof of Publication that at tonight's meeting the Council will consider an appropriation of \$260,000 in the Park and Recreation General Fund. Seeing no one wishing to address the Council, Mayor Murphy declared the Public Hearing closed.

Councilmember Schmidt moved to adopt Ordinance No. 12, 2022. Councilmember Reed seconded the motion. Upon roll call vote the motion passed with a 7-0 vote.

### **ORDINANCE NO. 13, 2022**

#### **AN ORDINANCE APPROPRIATING FUNDS IN THE AMERICAN RESCUE PLAN (ARP) FUND AND PROVIDING FOR PUBLICATION OF NOTICE**

Councilmember Schmidt moved that Ordinance No. 13, 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.

Councilmember Cotton stated he has asked for a list of all employees receiving premium pay and the amount everyone is receiving. He feels this needs to be done in a transparent way. He does not feel it is right to vote on this before seeing that list. He needs to know the who, how, what and when for each payment. It is not fair that employees who no longer work for the City but worked during the pandemic are not receiving a payment. He would like to see something done for these people. It sounds transparent on paper. The Resolution states the Council shall be given a list of all eligible employees and the amount of premium pay. He asked if that is forthcoming. Clerk-Treasurer Taylor replied there is a list of employees and what they are receiving in the Clerk-Treasurer's office. Any Councilmembers can stop by and see that list. At the last Council meeting she gave a list of Department totals. Councilmember Cotton asked why they are reverting away from the stated procedure. Mayor Murphy replied it is the Council's job to appropriate the funds. It is his job to administer the program.

Councilmember Schmidt stated all Department Heads have reviewed the list of their employees who will be receiving premium pay and have agreed to the protocol. Each Department Head has talked to their employees.

Councilmember Cotton stated the process needs to be transparent so there is no underlying tension.

Clerk-Treasurer Taylor advised the appropriation is for \$750,000. That is broken down to \$650,000 for employee premium pay, \$25,000 for the Police Department, \$25,000 for the Fire Department, \$25,000 for consultant fees and \$25,000 for a buffer. A consultant has been hired out of Indianapolis to help with any issues that come up in ARPA compliance matters.

Mayor Murphy announced that Ordinance No. 13, 2022 requires a Public Hearing and presented Proof of Publication that at tonight's meeting the Council will consider an appropriation of \$750,000 in the American Rescue Plan (ARP) Fund.

Dawn – Valparaiso. She asked what are the premium pay requirements? Is it up to the employer or is it based on performance?

Duane Davison – 701 Elmhurst. He trusts the Council to do the right thing regarding premium pay for the employees. He has asked several times how much the City put on the application that they had in lost revenue due to the pandemic.

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

Attorney Patrick Lyp replied the Final Rule from the US Treasury stated a municipality may presume a loss of \$10 Million Dollars and there will be no need to determine the exact amount. When the City files its report with the US Treasury there will be a number inserted that will be the actual amount of dollars attributed to loss revenue. That number is not available now. The City is receiving \$7 Million Dollars for lost revenue.

Clerk-Treasurer Taylor explained employees will receive \$1,000 or \$2,000 or \$3,000 in premium pay. First Responders will receive \$3,000. Department Heads determined if each employee will receive \$1,000 or \$2,000.

Attorney Lyp explained the ARPA Plan is just that – a plan. It will be revised as numbers are confirmed. Clerk-Treasurer Taylor added the premium pay amount went from \$600,000 to \$650,000 to cover PERF and payroll taxes. The premium pay money will be on the May 31<sup>st</sup> payroll.

Councilmember Cotton asked why the consultant fee went from \$15,000 to \$25,000. He also stated Attorney Lyp is not interpreting the Final Rule correctly. The \$10 Million Dollar loss needs to be documented. He feels Attorney Lyp's interpretation is a casual reading and there needs to be an aggregation of the various ways money was lost. Also, it seems extraordinary to need \$25,000 for a consultant to administer non-profit awards.

Attorney Lyp advised when the ARPA Plan was put together they did not know what the consultant figure would be. At the last Board of Works meeting, the Board approved a contract with a "Not to Exceed" clause of \$25,000. He further added, the \$10 Million is not a grey area. It is black and white in the Treasury Regulations. There is an absolute presumption if you receive less than \$10 Million then you can spend up to \$10 Million in that category. If a municipality wants to claim more, then they must document it. Locally everyone knows the non-profits that received awards. Everyone knows they will use the money correctly. However, the Department of Treasury has rules. When the City gets audited, the Clerk-Treasurer's office will need to have the correct documents. This is to prove to a bureaucrat in Washington D.C. that the rules are being followed.

Councilmember Cotton said \$25,000 versus \$15,000 is an extraordinary boost to hire a consultant to know how to deal with non-profits.

Councilmember Schmidt moved to adopt Ordinance No. 13, 2022. Councilmember Reed seconded the motion. Upon roll call vote the motion passed with a 7-0 vote.

## **ORDINANCE NO. 14, 2022**

### **AN ORDINANCE APROPRIATING FUNDS IN THE MUNICIPAL EXCISE SURTAX FUND AND PROVIDING FOR PUBLICATION OF NOTICE**

Councilmember Schmidt moved that Ordinance No. 14, 2022 be read a first time and considered on first reading. Councilmember Reed seconded the motion. Clerk-Treasurer Taylor read Ordinance No. 14, 2022.

Mike Jabo addressed the Council. The City of Valparaiso was awarded \$1 Million Dollars from the State of Indiana to continue its Community Crossing matching grant program. For paving they use the Surtax and Wheel tax money first. The money will be used for street paving.

Councilmember Pupillo asked if the final plan has been approved for what will be paved. Mike Jabo replied it has been approved. Prices are going up all the time. They expect to present the program at one of the June meetings.

Councilmember Schmidt moved to carry Ordinance No. 14, 2022 to the June 13, 2022 meeting. Councilmember Reed seconded the motion. Upon voice vote the motion passed with a 7-0 vote.

## **ORDINANCE NO. 15, 2022**

### **AN ORDINANCE APROPRIATING FUNDS IN THE MUNICIPAL WHEEL TAX FUND AND PROVIDING FOR PUBLICATION OF NOTICE**

Councilmember Schmidt moved that Ordinance No. 15, 2022 be read a first time and considered on first reading. Councilmember Reed seconded the motion. Clerk-Treasurer Taylor read Ordinance No. 15, 2022.

Mike Jabo addressed the Council. This money will be used for street paving.

Councilmember Costas asked if all of this goes to roads. Mike Jabo replied it all goes to roads.

Clerk-Treasurer Taylor stated this is based on revenue that has come in. Councilmember Cotton asked if more revenue will be coming in. She replied it comes in daily.

Councilmember Schmidt moved to carry Ordinance No. 15, 2022 to the June 13, 2022 meeting. Councilmember Reed seconded the motion. Upon voice vote the motion passed with a 7-0 vote.

### **Council Liaison Reports**

Councilmember Reed gave an update on the school board appointment. The portal is open on the City's web page for public questions. The next meeting is May 31<sup>st</sup> at 5:00 pm.

### **Public Comment**

No one.

The meeting adjourned at 6:49 p.m.

/s/ Holly Taylor, Clerk-Treasurer