

**MINUTES OF THE MEETING
OF THE COMMON COUNCIL
VALPARAISO, INDIANA
July 25, 2022**

1.

The Common Council of the City of Valparaiso, Indiana, met on Monday July 25, 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. Mayor Murphy was absent.

MINUTES

Councilmember Reed moved to adopt minutes of the July 11, 2022 meeting. Councilmember Peterson seconded the motion. Upon voice vote the motion passed with a 7-0 vote.

RESOLUTION NO. 9, 2022

**A RESOLUTION OF THE CITY OF VALPARAISO, INDIANA COMMON COUNCIL FILING A
PETITION TO APPEAL FOR AN INCREASE TO THE FIRE TERRITORY OPERATING FUND
TAX RATE**

Councilmember Reed moved that Resolution No. 9, 2022 be read and considered for passage. Councilmember Costas seconded the motion. Clerk-Treasurer Taylor read Resolution No. 9, 2022.

Chief Dutz addressed the Board. Previously the only way to raise a Fire Territory tax rate was to add a new municipality or area to the Territory. Legislature has changed so that now a Territory must show the area they cover has had a 6% growth over a ten-year period. If they meet this requirement, they can petition for a tax rate increase. The City has increased by 6.95%. This will increase the amount of money generated by \$281,000.00. This money goes in the Operating Fund which is 90% personnel. To go into effect for 2023 this must be passed by August 1, 2022.

Councilmember Cotton – Does the City get more money because of the growth. Chief Dutz replied the Territory is slower than the City. Income does not keep up with the growth. This Resolution allows them to petition for an increase. The 2023 A Vs are not out yet, so they do not know the impact on residents. This will help them keep up with personnel. There is a lot of competition. They have a very low supply of paramedics. Councilmember Cotton added when an area is requesting to be annexed the Fiscal Impact Study always says it is not a burden on the fire territory. Chief Dutz replied that is correct. They cover all of Center Township now.

Councilmember Schmidt – To clarify this is for personnel as the Territory grows. It is allowing the Territory to petition for a rate increase. The Council is not approving an increase.

Councilmember Costas – Whose tax rate will this affect? Chief Dutz replied it will be added to the City residents and unincorporated Center Township residents.

Councilmember Reed – What is the turnover of staff at the Department. Chief Dutz replied they just lost two firefighters to the City of South Bend. Other departments are being more aggressive with higher wages and more health benefits. Valparaiso needs to keep pace with everyone else. This is the first way to do that.

Councilmember Pupillo – How does Valparaiso compares to other municipalities? Chief Dutz replied Valparaiso is not the highest pay and benefits but it is comparable. He is looking at recruitment, retention, and retirement. Councilmember Pupillo asked what this will mean on residents' tax bills. Chief Dutz explained he will not know until the A V numbers are out.

Motion: Councilmember Reed moved to adopt Resolution No. 9, 2022. Councilmember Costas seconded the motion. Upon roll call vote the motion to adopt passed with a 7-0 vote.

RESOLUTION NO. 10, 2022

A RESOLUTION OF THE CITY OF VALPARAISO, INDIANA COMMON COUNCIL AMENDING THE AMERICAN RESCUE PLAN ACT PLAN FOR THE CITY

Councilmember Reed moved that Resolution No. 10, 2022 be read and considered for passage. Councilmember Costas seconded the motion. Clerk-Treasurer Taylor read Resolution No. 10, 2022.

Attorney Patrick Lyp addressed the Council. This is an amendment to the Plan already passed by the Council. The substantive changes are:

The City received more money. The total is now \$7,681,979.52

Premium pay is now \$663,147.68

Increased the cost allocated to provision of government services to extent of reduction in revenue \$6,403,831.84

Eligible employees language was clarified.

The amount of the demolition for the Whispering Pines building is estimated at \$1,000,000.00

The amount for consultants has increased to \$40,000.00

There will probably be one more amendment in 2023 or in 2024 when all the money is allocated.

Councilmember Schmidt – Have we received all the funds? Clerk-Treasurer Taylor replied they are expecting the next payment any day.

Councilmember Cotton - The original estimate on consultants was \$15,000. That number has now grown to \$40,000. That seems out of whack. He asked if an amount needs to be allocated or can the bills be approved and paid as they come in.

Attorney Lyp explained that most of the municipalities around the State have allocated 6% to 10% for administrative costs. He feels the City's administrative fees are considerably low. There are a lot of rules and regulations that need to be followed with the distribution of these funds. He feels it is better to have a consultant.

Councilmember Cotton stated to receive premium pay an employee had to still be working for the City and to have been working for the City from March 2020 to March 2021. He feels the City left out some people. There were restrictions that limited the number of people who qualified. He does not want to leave those people out. Attorney Lyp replied on page 7 it explains how a retiree qualifies for premium pay. No PERF is taken out of this payment.

Councilmember Reed moved to adopt Resolution Number 10, 2022. Councilmember Costas seconded the motion. Upon roll call vote the motion to adopt passed with a 7-0 vote.

RESOLUTION NO. 11, 2022

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF VALPARAISO, INDIANA, APPROVING AN AMENDMENT TO THE DECLARATORY RESOLUTION AND ECONOMIC DEVELOPMENT PLAN FOR THE CONSOLIDATED VALPARAISO ECONOMIC DEVELOPMENT AREA

Councilmember Reed moved that Resolution No. 11, 2022 be read and considered for passage. Councilmember Costas seconded the motion. Clerk-Treasurer Taylor read Resolution No. 11, 2022.

Attorney Patrick Lyp addressed the Council. He started with a timeline for the parking garage Project.

February 28, 2022 - Ordinance No. 5, 2022 was passed establishing the Valparaiso Redevelopment Authority.

June 22, 2022 - The RDC passed Resolution No. 9, 2022 creating a separate new allocation area ("Linc Allocation Area") within the existing Consolidated Allocation Area.

June 22, 2022 - The RDC passed Resolution No. 10, 2022 declaring an official intent to use bond proceeds for Project.

July 5, 2022 - The Plan Commission passed Resolution No. 1, 2022 approving the RDC Resolution No. 9, 2022 creating the Linc Allocation area.

July 13, 2022 - the Redevelopment Authority passed Resolution No. 1, 2022 approving a lease agreement and authorized the issuance of the Redevelopment Authority lease rental revenue bonds.,

July 14, 2022 - the RDC passed Resolution No. 8, 2022 authorizing the execution of lease between the Redevelopment Authority and the RDC.

July 14, 2022 - The RDC approved Tonn & Blank for CMc Construction Services for parking garage.

July 25, 2022 - City Council Resolution 11, 2022 approving an amendment to the declaratory resolution and economic development plan for the creation of the Linc Allocation area

July 25, 2022 - City Council Resolution 12, 2022 approving a lease between the Redevelopment Authority and the RDC

July 25, 2022 - First Reading on Ordinance 18, 2022 appropriating the proceeds of Bonds of the Redevelopment Authority.

August 8, 2022 - Public Hearing – City Council Ordinance 18, 2022 appropriating the proceeds of Bonds of the Valparaiso Redevelopment Authority, including investment earnings thereon and related matters,

August 11, 2022 - Public Hearing – RDC Resolution 11, 2022 confirmatory resolution regarding creation of new Allocation Area.

Resolution No. 11, 2022 is an amendment to the Declaratory Resolution and Economic Development Plan for the Consolidated Valparaiso Economic Development Area. Resolution No. 12, 2022 is approval of a Lease between the Redevelopment Authority and Redevelopment Commission. Ordinance No. 18, 2022 gives authority to appropriate the proceeds of the Bonds of the Valparaiso Redevelopment Authority including investment earnings. Tonn & Blank will determine the final cost of the garage which will determine the final amount of debt in bonds.

For the RDC to make payments they need something to lease. Since the garage will not be built for a while, they are using roads. They have pledged 7.43 miles of City roads. The roads are Joliet, Calumet, Morgan, and Roosevelt. The roads can stay as collateral for 25 years, or the City can swap the garage for the roads once it is built. The roads were valued at \$12.50 per square foot. This is the same figure used on the capital asset list. The City has a AA bond rating. There are not many municipalities in the State that have this rating. The maximum cost of the garage is estimated at \$17.75.

Councilmember Reed discussed the national average of parking garages. The national average of a precast garage is between \$20,000 and \$26,000. A traditional garage cost is between \$31,000 and \$42,000. She asked if this garage is going to be precast or traditional. Attorney Lyp replied Tonn and Blank will make that decision. The amount of the bond will be the cost of the garage. Anything between the cost and \$17.75 will not be issued. George Douglas added they are leaning towards precast. There will be 354 parking spots.

Councilmember Anderson asked about the RDC making the Bond beginning with the first payment and the time they start collecting money. Attorney Lyp explained the garage will not generate TIF money because it is publicly owned. The funds will come from the larger consolidated. The TIF generated from the Linc project

goes to reimburse the \$3 Million Dollar incentive given to the Hageman Group. The parking garage will be born by the entire consolidated TIF area both during the construction time and the full 25 years.

Councilmember Pupillo asked what City residents will pay for parking. What will the Linc pay and what is the benefit to the City. Attorney Lyp replied there will be 121 units in the Linc apartment buildings. They will have 121 designated parking spots. There will be an additional 79 parking spots for nighttime use of Linc residents. There will be a cost per space. The Linc will pay that amount to the City.

Councilmember Cotton asked if parking will be free to the public. George Douglas replied that has not been determined. Councilmember Cotton said he feels this is a shell game. He does not see that this is saving any money. Attorney Lyp replied to borrow the money and use the garage as collateral would have cost more. The City can borrow the money to pay on the Bonds until the point where the parking garage is there and then the RDC can make those payments. The result is that it will cost to borrow and then pay, over \$1 Million more over the course of 25 years. Pledging the roads saved considerable money. This process has been used by many communities. The RDC will begin making payments as soon as the bond is issued. They have money on hand to do that. Attorney Lyp added the question is how this will affect future projects. There will be sufficient funds to do future projects. This is being good fiscal stewards of the resources the RDC has. Councilmember Cotton said the original intent of a TIF District is that it is own. Money collected in that TIF stays in that TIF. He hopes the other TIFs do not feel slighted. It seems to be a bit of a rub that we need to transform our city with parking that does not have a tangible demand. We are speculating that we are going to attract a lot new residents and we are speculating with money that has been built on the backs of some very successful hardworking TIF District. He hopes it does not turn out like some of the others that have not worked out for us.

Councilmember Schmidt thanked George Douglas and Attorney Lyp for their work. Saying the term “shell game” would indicate lack of trust and confidence. He does not feel that is true. They both been very through with this project. Not many cities would take the time to be able to save \$1 Million Dollars.

Councilmember Reed moved to adopt Resolution No. 11, 2022. Councilmember Pupillo seconded the motion. Upon roll call vote the motion passed with a 7-0 vote.

RESOLUTION NO. 12, 2022

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF VALPARAISO, INDIANA, APPROVING A LEASE BETWEEN THE CITY OF VALPARAISO REDEVELOPMENT AUTHORITY AND THE CITY OF VALPARAISO REDEVELOPMENT COMMISSION, AND ADDRESSING OTHER MATTERS RELATED THERETO

Councilmember Reed moved that Resolution No. 12, 2022 be read and considered for passage. Councilmember Costas seconded the motion. Clerk-Treasurer Taylor read Resolution No. 12, 2022.

Councilmember Reed moved to adopt Resolution No. 12, 2022. Councilmember Pupillo seconded the motion. Upon roll call 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 Reed moved that Ordinance No. 18, 2022 be read a first time and considered on first reading. Councilmember Pupillo seconded the motion. Clerk-Treasurer Taylor read Ordinance No. 18, 2022.

Attorney Lyp advised this is first reading for Ordinance No. 18, 2022.

Councilmember Reed moved to carry Ordinance No. 18, 2022 to the August 8, 2022 meeting. Councilmember Pupillo seconded the motion. Upon voice vote the motion passed with a 7-0 vote.

ORDINANCE NO. 16, 2022

AN ORDINANCE APPROPRIATING FUNDS IN THE ST PAUL PROJECT EID FUND AND PROVIDING FOR PUBLICATION OF NOTICE

Councilmember Reed moved that Ordinance No. 16, 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 Costas seconded the motion. Clerk-Treasurer Taylor read the Ordinance.

Attorney Patrick Lyp addressed the Council. This was heard on first reading at the last Council meeting. Out of this amount \$2,000 goes to the Clerk-Treasurer's office for administration. The Developer and residents have been meeting and come up with a new agreement for the payment of this fee. A presentation will be made to the Council at an upcoming meeting.

Councilmember Schmidt announced that Ordinance No. 16, 2022 requires a Public Hearing and presented Proof of Publication that at tonight's meeting the Council will consider the appropriation of \$152,000.00 for the St. Paul Project EID Fund. Seeing no one wishing to address the Council, he declared the Public Hearing closed.

Councilmember Reed moved to adopt Ordinance No. 16, 2022. Councilmember Costas seconded the motion. Upon roll call vote the motion passed with a 7-0 vote.

ORDINANCE NO. 17, 2022

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

Councilmember Reed moved that Ordinance No. 17, 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 Costas seconded the motion. Clerk-Treasurer Taylor read the Ordinance.

Clerk-Treasurer Taylor addressed the Council. This is the appropriations as Attorney Lyp reported in the amendment to the Plan. She is expecting the second payment from the government any day.

Councilmember Schmidt announced that Ordinance No. 17, 2022 requires a Public Hearing and presented Proof of Publication that at tonight's meeting the Council will consider the appropriation of \$6,917,459.59 for the American Rescue Plan (ARP) Fund. Seeing no one wishing to address the Council, he declared the Public Hearing closed.

Public Hearing:

Joseph John Dauginas – 701 Erie Street. He worked during the pandemic at the ice rink and is not on the list for premium pay. He has retired. At the ice rink there were two full time employees, and the remaining were part time. The part time were high school children who need money for college and vehicles. The City should do what is right and give them premium pay.

Dawn – Valpo. Why would a County not accept the ARPA money? Which ones did not accept? Why is Valparaiso entitled to it? Attorney Lyp replied the City was not provided with a list of those that did not accept the funds. The money did not just go to Valparaiso. It was divided equally among all entities in the State that did accept the funds.

Mary Jo Nuland – 3005 Virginia Park Drive #18. Will the V-Line go to the new sports park? Attorney Lyp replied that has not been determined yet. Is a round-about planned for the corner of Lincolnway and Campbell? How would the Mayor and Council like one by their neighborhood? There are enough round-about in Valparaiso.

Councilmember Reed moved to adopt Ordinance No. 17, 2022. Councilmember Pupillo seconded the motion. Upon roll call vote the motion passed with a 7-0 vote.

Presentation on Elevate Valpo Downtown Vision Plan

Beth Shrader gave a presentation on Elevate Valpo. The draft of this Plan was presented to the Council in February. This is the final version. Beth has presented this to many organizations. She has met with many groups and listened to their comments. The Plan Commission heard this at their meeting in June. The purpose of Elevate Valpo is to advance planning that has happened in the past and ensure what is proposed preserves the special quality everyone treasurers about downtown Valparaiso. This Plan is about growth. Studies show the City needs to focus on the downtown area.

In Public comment she heard a lot about the development process. She heard about Block C. Roads and pedestrian network were a concern. Walkability should be a high priority. There was concern to have affordability in the housing.

A long-range vision is not an amendment to the Comprehensive Plan or UDO or Zoning Map. It does not replace existing Ordinances or development standards. It does not circumvent normal public approval process. It does not establish a property acquisition plan. The Plan does not change any the zoning. When ever possible they adapted corridors to pedestrians and bicycles while continuing to accommodate vehicles. Whenever they are going to have transformation of the corridors there are analysis done. This will be seen very soon with improvements around the Memorial Opera House, improvements in front of the parking garage and the Linc development.

Stakeholder observations are comments and what they heard. They are not the final outcome. There is a high standard for pedestrian accessibility in this Plan. Almost all the crossways that are proposed double the space for pedestrians. The Plan recognizes they still need to have traffic flowing through downtown. Vehicle flow with the additional density will be handled by following an appropriate development and vetting process. The changes from the last version include comments from the Plan Commission regarding south of the tracks and if there is kore emphasis on mixed use versus residential. Brown Street throughout the southern portion of this Plan reflects the desire to encourage mixed use. It also reflects the recognition that there is a limited amount of demand for commercial and it needs to be sized with residential.

They received a lot of comment about Block C. This is the block that has the former YMCA. Probably 95% of the public comment had to do with this block. They are recommending high density in the block. Standards insist on a contact sensitive solution for this block. There are a whole lot of architectural standards. Residents around that block have a strong preference to medium density rather than high density. Any project that would come to the City would have to be vetted. Currently there is no proposed project. It is important to address parking in this area.

There is a section that talks about the types of land use. Pictures are included in the Plan that represent a vision of what the architecture may look like. There is a section on parking and a section on character. The Plan

wants to make sure that they are not proposing that the City go and build parking garages that are not associated with a specific need. The Plan is a look to the future. If the whole plan is built out, then what type of infrastructure would be needed to accommodate parking in that scenario. The parking needs to be adequate, market driven and distributed throughout the downtown in a way that makes it convenient for the public to access. The parking triangulation diagram has not changed. The Plan hammers home how treasured the character of downtown Valparaiso is and how important that what we do elevates that character. There are a lot of standards that protect the existing character.

Councilmember Pupillo – will the parallel parking be removed on the downtown square? Beth Shrader explained on the north side of the most congested block they will try a temporary removal of the parallel parking. They will do an expansion of the sidewalks but keep the same lane width on the street.

Councilmember Costas – How many parking spots would be lost? Beth Shrader replied 10 spots will be lost. Indiana Avenue will be curb less and have a trail. It will be fashioned after the block of Lafayette between the pavilion and amphitheater. This will allow ADA. On Lincolnway they will consider removing parallel parking on the north side of the street. This would be a test. They probably would only do the one block.

Councilmember Reed – Vision is important to look forward while preserving the integrity of neighborhoods. She thanked those involved for their hard work on the Plan.

Councilmember Cotton – A Round-about at Lincolnway and Campbell impedes pedestrian friendly circumstance. He is not sure the language of the Plan would accomplish character preservation. He would like to see a different disposition to that which abuts one of the City's most classic neighborhood conservancy districts, with respect to that type of encroachment. Beth Shrader replied the Plan does call for a round-about at the corner of Lincolnway and Campbell. Not all round-abouts are equal. This one would have fewer lanes. The Plan also calls for Jefferson and Indiana to be non-motorized corridors. It is anticipated pedestrian traffic would utilize these routes rather than the round-about.

Councilmember Anderson - Thanks for the attention given to Block C.

Councilmember Reed - Has a count been done of how many times the crosswalk buttons are activated at Lincolnway and Campbell? Mike Jabo replied – no.

Beth Shrader thanked her consultant team.

Motion: Councilmember Costas moved to favorably accept the Final Elevate Valpo Downtown Vision Plan. Councilmember Pupillo seconded the motion. Upon roll call vote the motion passed with a 6-1 vote. Councilmember Cotton voted no.

Councilmember Cotton said he was not aware this was on the Agenda for vote. He thought it was just a presentation. He felt this should be entered on the Agenda in an appropriate manner.

Brooks Development

Mike Jabo addressed the Council. The City has received a copy of a letter sent to the Developer of the Brooks development regarding erosion issues. IDEM and IDNR letters were sent in June and Army Corp of Engineers sent one dated July 14th. The arrangement for the Army Corp to work in the wetlands or the streams is between the Army Corp and the Developer. The City is not involved in that matter. The letter reminds the permittee about the issuance of their 401 permit. There are nine specific items they want taken care of. The City is working with the Developer and contractor to remedy the issues. On April 28th there was an issue with flooding. Within a matter of days the Developer worked to get a consultant to resolve the issues. This is still a work in progress. IDNR is alright with the speed of which the issues are being resolved. The City has had

meetings with the Developer and environmentalists. It is a slow process. The City has issued Notice of Violations to the Developer and the sediment is being cleaned up.

Councilmember Reed – How frequent are City visits to the site? Mike Jabo replied the City has a person out there for every day there is construction. Engineering sends someone out every 1-2 days. The City has asked them to tighten up measures. It is an ever-evolving issue. The goal is to slow down the velocity of the water. The end result is abating sediment.

Councilmember Schmidt – He has talked with residents of Manchester Meadows. They seem to be excited about the final results. Even though it is a little slow, it looks like they are happy with the work.

Councilmember Cotton – Will the correspondence between the Developer and IDEM going to be made public? He would like to see the letters and reports that the Developer has sent back to IDEM and IDNR and Army Corp of Engineers. This correspondence should be able to be accessed if asked. He also commented he is disappointed to see the map showing the different types of homes has changed. The multi-family area has been changed to single family. The price point will be hire. This is a bait and switch. It makes the development inhabitable by only 1% of the population.

Council Liaison Reports

Councilmember Peterson announced the Park Board meets tomorrow.

Public Comment

Walt Breitingner – 608 Academy. The City is in trouble with violations and fines. The Developer violated Section 301 of the Clean Water Act which is punishable by penalty of civil fines up to \$32,500 per day, criminal fines of \$50,000 per day or prison. The Developer has been given a deadline of 30 days from July 14th to correct problems. This issue of the sediment in the creek affects three areas. The fish cannot breathe or see in muddy water. Humans can be affected because the mud is a pollution and can contribute to disease. Financially this hurts the community. People bought property downstream because of the beauty of the stream. The 6.6 Million people in Chicago would not be happy if they found out this mud was being dumped into the stream which eventually gets top Lake Michigan.

Tom Davis – 56 Chicago. In the Elevate Valpo Plan it says the zoning will be maintained if there is new development. The City is on the hook for \$17 Million for the garage. The City gave the Developer \$3 Million Dollars and the State gave them \$4 Million Dollars. At the BZA meeting the developer asked for three variances. One was regarding the set back on the fourth floor. If he followed code, it would cost him five units per building. He finds it troubling that the developer cannot meet code and that the BZA approved it. He also discussed parking. A lot of people do not want to pay for a parking permit, so they park in the residential areas. If the City charges for parking in the new garage, people will not want to pay and even more will be parking in the residential areas.

Joanne Mosby – 1404 Beech Street. A round-about at Lincolnway and Campbell will bring more traffic. The parking garage will feed out to two streets that are two lanes. How many more small businesses will be bought for future growth? She would like to see the engineering documents regarding a traffic study completed before the Linc project was hatched. There should be a traffic study before they consider a round-about at Lincolnway and Campbell. She crosses Lincolnway four times a day to get to public parking. The traffic signals now have 3.5 seconds for crossing before they turn red. The average person can only get halfway across the street before it turns red again. She would like to know if the Elevate Valpo Plan really elevate Valpo by forcing the closure of small businesses, tearing down residences and historical buildings and creating a traffic nightmare. How does that elevate anything?

Kathy Watts – 2518 Eisenhower. Politics are mean. It has been brought to her attention that she is called an overzealous, first amendment constitutionalist. She pays taxes. Why should she be made to feel like her voice doesn't matter. She belongs to Nasty Women of Porter County. They have 3,500 members. She asked that the Council listen to all. She wants the Council and Mayor to respond to concerns. Not Attorney Lyp. She wants to know what her City Council thinks and what they stand for.

Susan Davis – 56 Chicago. The BZA rubber stamped the request by the developer. Only one person on the BZA questioned the Developer. What is the point of having standards if the developer is just going to get around them? Roundabouts work for cars but not pedestrians. Parking is a problem. If there is a charge in the garage, people won't pay it.

Steven Ingram – 106 Washington. The Elevate Downtown Vision Plan was misrepresented on the Agenda. Beth Shrader stated in her presentation that the City does not do development. However, they are doing the garage, Journeyman and Brooks.

Attorney Lyp addressed Walt Breitinger's comments. He stated that in the letter there is nothing that insinuates or suggests the City has any liability for issues at the Brooks. He wants that to be made clear. Walt Breitinger replied the City received a copy of the Letter. Attorney Lyp replied that is correct. However, there is no indication that the City has any liability. The City is not being threatened with fines or imprisonment.

The meeting adjourned at 8:57 p.m.

/s/ Holly Taylor, Clerk-Treasurer