

**MINUTES OF THE MEETING
OF THE COMMON COUNCIL
VALPARAISO, INDIANA
September 12, 2022**

The Common Council of the City of Valparaiso, Indiana, met on Monday September 12, 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.

MINUTES

Councilmember Schmidt moved to adopt minutes of the August 22, 2022 meeting. Councilmember Reed seconded the motion. Upon voice vote the motion passed with a 7-0 vote.

ORDINANCE NO. 19, 2022

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF VALPARAISO, INDIANA,
AMENDING SECTION 53 OF THE VALPARAISO MUNICIPAL CODE CONCERNING REFUSE
AND RECYCLING**

Councilmember Schmidt moved that Ordinance No. 19, 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.

Steve Poulos gave a summary of the presentation he made at the August 22, 2022 meeting.

Public Hearing: Mayor Murphy announced that Ordinance No. 19, 2022 requires a Public Hearing and presented Proof of Publication that at tonight's meeting the Council will consider the amendment of section 53 of the Valparaiso Municipal Code Concerning Refuse and Recycling.

Kevin Cornett – 452 Northview. His concern is that there should be a senior rate. They do not generate the same use as others and income is limited.

Dawn Miller - Valpo. She wants to know if the public would be paying for the lost ARPA requested funds of \$1 Million.

Ed Howe – 402 Chicago. He was on the Council that originally created this fee. It was created to generate funds for street paving. Unfortunately, they did not create an annual review. He is not in favor of reducing the recycling to every other week. This diminishes the commitment to recycling.

Walt Breitinger – 608 Academy. He reminded the Council that plastic bags and bottles do not get recycled. They go in landfills. He handed out refillable bottles and encouraged everyone to use them. This will save space in the landfills.

Murdoch Davis – 2927 Foggy Glen. Recycling is a social good. If less recycling is done, more material will go in the landfill. Businesses will not have any incentives to recycle if the City does not provide totes and pick up from them. The public should have been more involved while the committee was meeting.

Mary Abraytis – 605 Yellowstone. The City has the duty to provide the best rate. She does not see any attempt to mitigate raising the fee. DLGF shows there is \$85,000 available for capital equipment upgrade.

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

Steve Poulos replied to comments. The Council can request that he look at a senior rate. If they want he will have a financial analysis done and come back with a potential senior rate. He is not sure what Dawn Miller was referring to. He will talk to her after the meeting. He agreed with Ed Howe about an annual review. A review and possible rate increase should have occurred in 2017. From here on out, he will evaluate and monitor. He is not in favor of putting escalators in the Ordinance. The committee knew going to every other week for recycling would not be popular with everyone. A second tote is available for those that want one. This pick up will be monitored. If it warrants it in the future, they will go back to weekly pick up. There was mention that costs will go up. Tonnage cost for landfill is cheaper than recycling. There was quite a bit of public notification. The committee did their due diligence.

Comments/questions from the Council.

Councilmember Schmidt – This was a very thorough study and evaluation. Every other week pick up for recycling was based on a recommendation by Kari Marrs of the Porter County Recycling Department. She will be helping with education of recycling. Privatization is not even a question with him. If the rate does not get raised, then \$864,000 will come out of the General Fund to cover costs. There are 30 low income citizens. He likes the idea of developing a senior rate.

Councilmember Peterson – In early discussions alternatives were talked about. Were those looked into? Steve Poulos replied they were looked at. The ratio of trash to recycling is approximately 60/40. The administrative challenge of making those adjustments was discussed. Councilmember Peterson added this was a thorough process. The education is a good idea.

Councilmember Cotton – He has heard from his constituents. He looked at other communities. Greenfield, Indiana has instituted an impact fee on developers. Their Mayor has said growth should not be subsidized by existing citizens. There is increased truck traffic on roads due to development. Steve Poulos replied impact fees are another tool to help with paving. All the new homes will pay their share. Impact fees for developers is something he has not seen.

Councilmember Anderson – Steve's tenacity is unmatched. There were good comments from the public. He was pleased with Steve's answers to the comments.

Councilmember Costas – Asked how many businesses have recycling. Steve Poulos replied there are 120 businesses that have recycling. He is not sure how many totes each one has. He feels if the service is discontinued by the City, the businesses will no longer recycle. He asked if the City could provide recycling for businesses but charge them. Steve Poulos replied that would be a challenge. The Ordinance allows them to enter into a case by case contract. The business would have to meet a certain criterion for that.

Councilmember Costas – Would the elderly be required to apply for a senior discount if one were available? Steve Poulos replied consideration would have to be given to age and only to a primary residence. Councilmember Cotton added income would have to be considered also.

Councilmember Costas asked if other communities that are charging a lower rate are being subsidized. Or is it a bigger city? Steve Poulos explained Elkhart subsidizes the whole cost. Other charges are determined because of the size of the community. Most of the other communities are privatized.

Councilmember Pupillo – His main sticking point is every other week on recycling. He would like to see a partnership with Pratt for cardboard recycling.

Councilmember Reed – She likes the idea of a senior rate. She talked about the property owners that leave large amounts of trash at the curb. The city has been picking this up. Now they will be charging for it. She asked if they were going to continue with Clean Up Days and large pickups.

Steve Poulos – The Board of Works can consider Clean Up Days and schedule them. Large items will be picked up, but citizens need to call first.

Councilmember Cotton asked if the Councilmembers will discuss this among themselves before voting. Mayor Murphy explained they have had discussion on the Ordinance. If he wants to discuss other matters, there is a process for that.

Attorney Lyp – State law has a process for impact fee. It is not a simple process. Valparaiso has looked at that possibility, but it was determined that the cost to do a report was higher than any revenue realized.

Motion: Councilmember Schmidt moved to approve Ordinance No. 19, 2022. Councilmember Reed seconded the motion and so approved with a 6-1 vote. Councilmember Cotton voted No.

RESOLUTION NO. 13, 2022

A REIMBURSEMENT RESOLUTION OF THE CITY OF VALPARAISO, INDIANA, DECLARING ITS OFFICIAL INTENT TO REIMBURSE EXPENDITURES FOR COSTS RELATED TO THE CONSTRUCTION OF ADDITIONS AND IMPROVEMENTS TO THE WATERWORKS OF THE CITY

Councilmember Schmidt moved that Resolution No. 13, 2022 be read and considered for passage. Councilmember Reed seconded the motion. Clerk-Treasurer Taylor read Resolution No. 13, 2022.

Steve Poulos addressed the Council. Capital upgrades are needed. Typically these are funded with bonds. There are expenses before the bonds are issued. This Resolution allows the City to pay for the expenses and get reimbursed when the bonds are issued. Steve will be forming a committee to evaluate this process and he will meet with the Councilmembers. This process will take 12-18 months.

Motion: Councilmember Schmidt moved to adopt Resolution No. 13, 2022. Councilmember Reed seconded the motion. The motion passed with a 7-0 roll call vote.

RESOLUTION NO. 14, 2022

A REIMBURSEMENT RESOLUTION OF THE CITY OF VALPARAISO, INDIANA, DECLARING ITS OFFICIAL INTENT TO REIMBURSE EXPENDITURES FOR COSTS RELATED TO THE CONSTRUCTION OF ADDITIONS AND IMPROVEMENTS TO THE SEWAGE WORKS OF THE CITY

Councilmember Schmidt moved that Resolution No. 14, 2022 be read and considered for passage. Councilmember Reed seconded the motion. Clerk-Treasurer Taylor read Resolution No. 14, 2022.

Motion: Councilmember Schmidt moved to adopt Resolution No. 14, 2022. Councilmember Reed seconded the motion. The motion passed with a 7-0 roll call vote.

ORDINANCE NO 20, 2022

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF VALPARAISO, INDIANA AMENDING SECTION 93.15 AND SECTION 154.02 (302.4) OF THE VALPARAISO MUNICIPAL CODE

Councilmember Schmidt moved that Ordinance No. 20, 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 Patrick Lyp addressed the Council. In the past when there has been a yard sited for not being kept up, the City has mowed the yard and billed the property owner. That bill has not always been paid. The Center Township Trustee has had the ability to turn that bill in and have it attached to the tax bill for the property. Legislation has been passed that now allows the City to do that themselves. This will work well because the City will now get to keep 100% of the money collected plus an additional \$25 administrative fee. Last year there were 22 houses where the City had to mow the yard. This process is only started when calls are received from citizens about an unkept yard.

Councilmember Anderson asked if this only applies to lawns. He knows of a case where the back yard has been let go and is a field. Attorney Lyp explained the problem must be visible from the public right of way.

Motion: Councilmember Schmidt moved to adopt Ordinance No. 20, 2022. Councilmember Reed seconded the motion and so approved with a 7-0 roll call vote.

Community Update

Mayor Murphy thanked all City employees, Valpo Events, and volunteers for doing a fine job with the Valparaiso Popcorn Festival.

Council Liaison

Councilmember Reed stated she appreciated the ability to fill up her water bottle at the Popcorn Festival. She also reported the Valparaiso Community School Corporation budget is coming up for hearing and adoption soon. The first hearing is September 26th and the final hearing is October 10th.

Public Comment

Kathy Watts – 2518 Eisenhower. She stated her disapproval of Councilmember Schmidt's comments in campaign literature regarding the appointment of Erika Watkins to the School Board by the Center Township Trustee. She listed the degrees earned by Erica Watkins. She asked if the other Councilmembers align with City Council President Schmidt.

Claudia Chastain - 752 West Street. The school board has stayed the same while the students have changed. She stated what a good member Erika Watkins is for the School Board.

Ed Howe – Apologized to the kids along Campbell Street for running out of candy by the time they got to them at the Popcorn Parade.

Cedric North – 2810 Double Eagle Apartment L. He has been evicted illegally from his apartment for whistle blowing on mold. The Health Department has told him there is an ordinance that elected officials can take care of mold. He asked if this is just for white citizens or all citizens. What happened to him is being covered up. No calls have been returned and he has been advised he cannot meet with the Mayor. Attorney Lyp advised Cedric that in June he met with him. Since that time he has filed a lawsuit against Prosecutor Gary German and threatened a lawsuit against the City of Valparaiso. The Court case has been resolved. Cedric advised he is appealing this to the Federal Court. Because there is a pending lawsuit, Attorney Lyp has advised the Mayor not to meet with Cedric.

Kenard Taylor – 306 Napoleon. Impact fees are very difficult to undertake and justify. Citizens have been saying they want affordable housing but implementing impact fees would increase the cost of homes and rental units. Do the citizens want an impact fee or low income housing?

Loveland Palm - 2500 Sterling. She has known Erika Watkins for 10 years. She is qualified for the position of Board member on the Valparaiso Community School Board. Erika Watkins is a champion for every child. She asked if the other Councilmembers support Councilmember Schmidt and if so, why.

Greg Johnson – 301 Elmhurst. He has two daughters. They are Latina. He is a professor at VU. The daughters went through the VCS. It was difficult for them going through VCS. Councilmember Schmidt's letter against the first black woman on the School Board opens old wounds. Think about what you are saying before putting it in writing.

The meeting adjourned at 7:48 p.m.

/s/ Holly Taylor, Clerk-Treasurer