

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

October 22, 2018

The Common Council of the City of Valparaiso, Indiana, met on Monday October 22, 2018 at 7:00 p.m. in City Hall. Mayor Costas called the meeting to order and led the Pledge of Allegiance. Clerk-Treasurer Swihart called roll. Present were Councilmembers Murphy, Douglas, Hoffman, Reed, Hudson, Cotton and Porter.

MINUTES

Councilmember Hudson moved to approve the minutes of the October 8, 2018 meeting. Councilmember Reed seconded the motion.

Upon voice vote the motion to approve the October 8, 2018 minutes passed with a 7 -0 vote.

CITY GOVERNMENT ACADEMY

Maggie Clifton presented the citizens who attended the first City Government Academy. It is anticipated there will be another academy in Spring.

RESOLUTION NO. 13, 2019

**A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF VALPARAISO,
INDIANA, APPROVING CERTAIN AMENDMENTS TO THE PLAN FOR THE
CONSOLIDATED VALPARAISO REDEVELOPMENT AREA**

Councilmember Hudson moved that Resolution No. 13, 2018 be read a first time and considered for passage. Councilmember Reed seconded the motion. Clerk-Treasurer Swihart read Resolution No. 13, 2018. Councilmember Hudson moved to adopt Resolution No. 13, 2018. Councilmember Reed seconded the motion.

Patrick Lyp addressed the Council. Tonight there are three documents relating to the Welter project. They are: Resolution No. 13, 2018, Ordinance No. 19, 2018 and the Economic Development Agreement with Vale View LLC. There is no liability to the City. The project is self-funded by the Developer.

Councilmember Porter asked about the bond issue being 25 years. Patrick explained several ways could have been used for this. The City will receive 30% so they gave the longer time of 25 years. They could have gone where the City sees no income and gone a shorter time.

Councilmember Cotton stated he is troubled by the self-funding aspect. This means the project must be a certain size or will be unable to do a project. Patrick Lyp explained the project needs to be self-sustaining so the project is not bigger than the Developer can handle.

Upon roll call vote the motion to adopt Resolution No. 13, 2018 passed with a 7-0 vote.

ORDINANCE NO. 19, 2018

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF VALPARAISO,
INDIANA, AUTHORIZING THE ISSUANCE OF THE CITY OF VALPARAISO,
INDIANA, ECONOMIC DEVELOPMENT REVENUE BONDS IN A MAXIMUM
AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED EIGHT HUNDRED
THOUSAND DOLLARS (\$800,000) AND APPROVING AND AUTHORIZING OTHER
ACTIONS IN RESPECT THERETO**

Councilmember Hudson moved that Ordinance No. 19, 2018 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 Swihart read the Ordinance. Councilmember Hudson moved to adopt Ordinance No. 19, 2018. Councilmember Reed seconded the motion.

Upon roll call vote the motion to adopt Ordinance No. 19, 2018 passed with a 7-0 vote.

ECONOMIC DEVELOPMENT AGREEMENT WITH VALE VIEW LLC

Councilmember Hudson moved to approve and enter into the Economic Development Agreement with Vale View LLC. Councilmember Reed seconded the motion.

Upon roll call vote the motion to adopt the Economic Development Agreement with Vale View LLC passed with a 6-1 vote. Councilmember Cotton voted no.

ORDINANCE NO. 17, 2018

VALPARAISO COMMUNITY SCHOOLS 2019 BUDGET

Councilmember Hudson moved that Ordinance No. 17, 2018 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 Swihart read the Ordinance. Councilmember Hudson moved to adopt Ordinance No. 17, 2018. Councilmember Reed seconded the motion.

Upon roll call vote the motion to adopt Ordinance No. 17, 2018 passed with a 7-0 vote.

ORDINANCE NO. 18, 2018

CITY OF VALPARAISO 2019 BUDGET

Councilmember Hudson moved that Ordinance No. 18, 2018 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 Swihart read the Ordinance. Councilmember Hudson moved to adopt Ordinance No. 18, 2018. Councilmember Reed seconded the motion.

Roll call vote started and Councilmember Cotton stated he is concerned that in the Salary Ordinance the Mayor's office salary is \$90,000 plus and the Mayor is a full-time position. He has brought up in the past the Mayor's job is part time. There is a City Manager that relieves the Mayor of 70% of his duties.

Mayor Costas replied it is effective to have a City Administrator. An independent firm prepared the report that suggested salaries for City employees and elected officials. He reminded Councilmember Cotton that he voted favorably on the Salary Ordinance as presented. Clerk-Treasurer Swihart reminded Councilmember Cotton that by law there is no such thing as a part time Mayor. There is no State statute or City ordinance indicating a part time or full time Mayor. A person is simply elected Mayor.

Voting resumed and upon roll call vote the motion to adopt Ordinance No. 18, 2018 passed with a 6-1 vote. Councilmember Cotton voted No.

RESOLUTION NO. 14, 2018

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 "SPECTACLE DRIVE ANNEXATION"

Councilmember Hudson moved that Resolution No. 14, 2018 be read a first time and considered for passage. Councilmember Reed seconded the motion. Clerk-Treasurer Swihart read Resolution No. 14, 2018. Councilmember Hudson moved to adopt Resolution No. 14, 2018. Councilmember Reed seconded the motion.

Mayor Costas explained a Fiscal Plan is the first step in annexation. It allows the City to see if it can handle an annexation. Ordinance No. 20, 2018 is first reading and Public Hearing. Tonight he wants to make sure questions are answered and that information is given accurately.

A citizen stated that the public did not receive a copy of the Fiscal Plan and asked if that would change in the future. Mayor Costas explained this is a decision by the elected body to determine if the City can fiscally handle the annexation. Adopting the Fiscal Plan does not mean the property will be annexed.

Brian Hurley presented a piece of paper with an alternative.

Todd Leeth addressed the Council on behalf of the Petitioners – The Kilmer family. This request is a Super Voluntary Annexation of 17 acres. There are two requests. One is annexation and then if annexed a request for zoning. This property is 30.7% contiguous with City limits. Sanitary sewer and water line have already been run to the property. Dr. Kilmer and his family paid for these lines. No annexation is allowed in 2019 because it is a year before the census. Therefore, no annexation is allowed after December 31, 2018.

The Plan Commission voted unanimously to recommend that the Council pass this annexation. A super voluntary annexation is 100% ownership, and all want the annexation. To accomplish this annexation before December 31, 2018 no steps have been skipped. Todd presented a Concept Drawing of the project. As a concept drawing, this could change. They have, however, made some commitments that will be contractual and adhered to in the design. Todd went over the commitments: The internal lots are 10,000 square feet. The petitioner has agreed to increase the lots that back up against Andover Drive to 100' width so they match. The lots will be 40% lot coverage which will green up the lots. All homes will be single family detached homes. There will be restrictive covenants stating the building materials. The homes will not have driveways going out to Spectacle Drive. There is one exception to this. This annexation means the residents will pay their fair share for City benefits they are receiving.

There are reasons not to annex. One is if it is not financially possible. The Fiscal Plan shows this project supports annexation. If the property were difficult to run utilities to it would not be annexed. There are already utilities there, so this is not an issue. There are no code violations which would make annexation undesirable. Whether this is designed under County rules or City rules, there will be a storm water plan that will be dictated by the Engineer's office. The City and County both have good engineers and storm water plans. The County has more developments that are one acre lots. The City has more developments that are dense areas.

The condition of Spectacle Drive was discussed. The road is 19' wide. It is somewhat deteriorated. By County standards it needs maintenance work. The developer is only required to rebuild Spectacle Drive on their side of the road. It has been suggested that if this is annexed, an agreement can be reached, and the entire road will be maintained from start to finish. In the last 10 years there have been five accidents at the intersection of Spectacle Drive and Meridian.

Mayor Costas pointed out that the vote on this issue will be taken at the next meeting. Todd Leeth explained if it is a favorable vote, the next step will be to design the subdivision. They will study the entire watershed and determine placement of the detention ponds. The Mayor explained it is the City's duty to manage and control development to make sure it is done well.

Tyler Kent presented the Fiscal Plan. There is no impact to the City. This is based on a home value of \$325,000. The current zoning is RL – Residential Lake, R2 – Medium Density Single-Family Residential District. Proposed zoning is GR – General Residential. The property is already in the Fire Territory.

Councilmember Porter asked what this plan covers. Tyler replied this only covers the 17 acres which are the subject of the annexation.

Councilmember Cotton asked if there is any precedent of working with the County on street services. Tyler replied the City and County have a partnership and work together.

Councilmember Reed asked when the sanitary sewers were installed. They were installed in 1992.

Councilmember Douglas asked about the assessed value of the proposed homes. Tyler replied this report was based on an assessed value of \$325,000 per home.

Councilmember Cotton discussed the improvements in just this section and how they affect the Fiscal Plan figures.

Mayor Costas asked for clarification if the Petitioner can develop right now under County specifications. Todd Leeth confirmed that is correct. It is an advantage to develop this under the City because this property is 30% contiguous. It looks like a City development not a County. The City's standards govern better for this type of development.

Councilmember Cotton suggested waiting for an environmental study. Todd Leeth indicated the family will entertain any offers to purchase this property. They do want to move forward. They will not wait for two months hoping for an offer and then miss the deadline to be able to file for annexation until after the census.

Councilmember Hoffman asked if the home value is different if this is developed in the City or County. Todd stated he does not have an opinion one way or the other.

Councilmember Douglas asked if anyone is connected to the utilities. Todd Leeth replied there are some connections outside of this property.

Public Hearing:

Sandy Knoerschild – 256 Spectacle. She is concerned with traffic.

Salena and Steven Anderson – 205 Spectacle Dr. She is concerned about her children riding bikes on Spectacle and safety. She discussed sections of the Comprehensive Plan. The County has more stringent drainage plans. She asked about safety of her neighbors.

Babs Polizotto – East side of “Kilmers”. City needs to check ownership of sanitary sewer. The water line was given to the City. This property will be an island. One way in and out is not safe. She is concerned about trees being destroyed.

Tom Banaszak – 4417 Flint Lake GW. He discussed the Burlington Beach project being postponed. Some of this water will drain into VALCD so a sign off will be required.

Randy Overbey – 103 Andover Dr. He is concerned with the ingress/egress and drainage issues. A vote should not be taken until studies have been done.

John Stalbaum – 104 Andover Dr. – He has concerns about the water issues. He has flooding issues in his house. They cannot handle any more storm water on their property. He does not want to see the wooded area destroyed.

JoAnn Gilmartin – 101 Spectacle Dr. – The proposed project is too big. It will add at least 82 more cars on Spectacle Drive which is not safe. How will the high school children get to the school bus. There are times when the bus cannot make it up the hill on Spectacle. She would prefer to see this developed under County standards.

Jack and Kathryn Claussen – 101 Spectacle Dr. They are concerned regarding increased traffic and only one way in and out.

Martin Buinicki – 301 Andover Dr. He would like to know how annexation and re-zoning is a good thing for the citizens of Valparaiso. After discussion Mayor Costas clarified he is saying that the County does more large lot developments of one acre or more. The City deals more with dense developments like this one. He is in no way saying the City is better than the County. They just handle different types of development. The City and County work well together.

Andrea Buinicki – 301 Andover. She opposes this annexation.

Dr. Larry McAfee. An alternative option is for the Kilmer family to gift the property to the City. Another option is for a group of people to purchase the property and turn it into a nature sanctuary.

Walt Breitingner. He discussed the water issues he is concerned about. He also asked why the developer is a secret. Todd Leeth explained the Kilmer family owns the property and there is no developer. At the present time the family is the developer. Walt continued with the cost to put the woods back and repair the lake will be high.

Gary Brown- 203 Harrison. It is a travesty to destroy the woods. This project needs to be slowed down. This is unique and the highest point in Valparaiso. It needs to be thought out before acting. A group of people should be able to get together and purchase the property.

Tia Walker – 108 Andover. She presented a Petition with signatures opposing the annexation. She discussed the problems that happened with Beauty Creek. This development will not

eliminate the water. It will only slow it down. The land cannot be clear cut. The foundation of all the homes will be shifted that are downhill. Studies need to be done.

Michael Persoon – 107 Spectacle Dr. This annexation could not handle a legal challenge. He wants to keep the rural feel of the area. If the land is developed they should be made to put 25' to 30' buffer around the development to protect the current neighbors.

Caren Van Slyke- 109 Spectacle Dr. Her concerns are water drainage, road safety, density, and erosion damage. She wants studies done first. She talked about flood damage in Houston TX and reports of lack of proper planning. Do not rush the project.

Pam and Gary Staub – 209 Spectacle Dr. They are concerned about the attraction for kids to go to the lake and the safety. The hill on Spectacle is a mess. There are times when vehicles, and school buses, cannot make it up the hill. She would like to see two exits but once out on Spectacle everyone is going the same direction. People will be going through their yard to get to the lake. Who is responsible for the safety of children who go to the lake.

Patricia Sella – 658 North Calumet. She wants the land preserved.

Don Sella – His parents bought Mink Lake. He wants to see green space preserved.

Cindy Hawes – 201 Spectacle. This is a beautiful area. She owns other lake front property and since she is not there all the time, it has been broken into four times. She is worried about the safety of the homes in this development that will be built for part time residence. Mayor Costas discussed that the road repair is something that is up for negotiations yet.

Brian Hurley – 4702 Rutland Road. He feels this is going too fast. Mistakes are being made. He questioned 100% ownership. The legal description is wrong. The notary is illegal on the deed. The actual land involved is 15+ acres and not 17+. This would change the lots allowed. He questioned figures as presented in the Fiscal Plan. The Council should know what they are actually voting on. At the Plan Commission they did not seem to see a problem with any of this. VALCD is opposed to this. The County is opposed to this annexation. The Fiscal Plan was just presented today. There is already a Resolution prepared approving the Fiscal Plan. He has prepared a Resolution rejecting the Fiscal Plan. Mayor Costas explained this has been the procedure for a long time to have documents ready for signature at the meeting they are presenting it at. Brian asked that when this is voted on that each Councilmember must state why they are voting the way they are.

Jeff Hoffman – 106 Andover. This project is urban sprawl. There is a better use. His lot is 15,000 sq ft. He is concerned cars will be coming down the road and shining headlights right into his home.

Kim Yin – 4706 Rutland. They already have a drainage problem. This will add to it.

Beatrice Salinas – 201 Andover. She met Dr. Kilmer. He told her he wants this land to be in nature preservation. This should have been done years ago when there was no rush. Now it is being rushed and studies need to be done.

Kathy Sipple – 455 Andover. She would like to see the land as a nature preserve.

Kevin Cornett – 452 Northview. The Council has no obligation to rush. This process should be slow. It is obvious with all the questions tonight that it needs to be looked at. It should be tabled. Mayor Costas added that it is difficult to annex property once it is developed.

Robert Dickinson – 4711 Cottage View Lane. He is the HOA President of The Cottages on Campbell. Their water volume is high now. If they get any more water, it will wash out. Issues need to be looked at. This should not be rushed through in the next 60 days. He discussed a road where there is a shed and the possibility of making this another entrance/exit. This would let some of the traffic go out on Andover instead of Spectacle.

Bill Durnell – 703 Washington. He is a CPA. The Fiscal Plan should not be passed. Decisions are not made on a four-year cash flow.

Chuck Graciano – 302 Andover Dr. Would like to see everyone work together to come up with the best solution to this issue. He discussed anticipated plans for the north end of the City limits.

Mayor Costas agreed that the City will probably not grow much more to the north. But added this parcel of land is 30% contiguous with the City.

Kevin Cornett– 452 Northview. This is creating an island.

Jane Ryan – 406 Grandview. She reminded the Council that there are 27 homes in Hillside. They all have only Spectacle Dr. to use to get in and out of their development.

Bernie Ryan – 406 Grandview. This family has owned the property for a long time. Why is it a rush now and why do they want to be in the City.

Mayor Costas replied the family is required to request annexation since the City is supplying utilities to that area. The City works more often with dense developments. It is the City's job to look at this and decide if it is a good thing for the City.

Councilmember Douglas – he stated the Councilmembers come in with a clear mind. They are at this meeting to hear and listen.

Mayor Costs once again stated he is not saying the County is incompetent. He is saying that they do not deal with dense developments as often as the City does.

Councilmember Cotton said the Council has a responsibility to the outpouring of citizens that they have seen.

Duane Davison - He discussed the value of having open space within the City. He is in favor of the annexation if the property is kept as it is now.

Adam McAlpine explained possible drainage issues and anticipated steps that will be taken to correct any issues.

Todd Leeth restated that this annexation determines what rules they will be following for development. The site review was an annexation request. When they know what rules they are following the drainage calculations will be done. They will be capturing their water, neighbors' water and will look at where to divert it.

Councilmember Cotton asked how it is rationalized what Adam says versus the County Commissioner's concerns. Mayor Costas replied the City and County work together. Generally new development fixes old problems. Laws are much more stringent today.

Mayor Costas added if the annexation goes through the City will have to look at the road conditions.

Todd Leeth explained the actual land size. There are three parcels that are part of this annexation. There are two parcels adjacent to this area that the family is keeping. He is confident that the parcel is 17.14 acres. The County's GIS is a good indicator for small parcels. It is not so good for larger parcels. The Kilmers do own the property. It was notarized inappropriately. Todd has researched this issue. The notarial statute today is different than when it was signed. The remedy is that the Governor or Judge of the Circuit court can revoke the notary. It does not revoke ownership.

Mayor Costas explained the only issue to be voted on tonight is the Fiscal Plan.

Councilmember Hoffman suggested it is worth it to see this process through for the Kilmers.

Councilmember Douglas discussed all that is required is a four-year study on the Fiscal Plan. Mayor Costas explained this is correct. The Plan was prepared by Umbaugh. They do these on a regular basis.

Councilmember Cotton discussed that having four years may not be adequate. A long-term Plan would let them see more of the impact down the road.

Upon roll call vote the motion to adopt Resolution No. 14, 2018 passed with a 4-3 vote. Councilmembers Reed, Cotton and Porter voted No.

ORDINANCE NO. 20, 2018

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF VALPARAISO,
PORTER COUNTY, INDIANA, ANNEXING CERTAIN REAL ESTATE INTO THE
CITY OF VALPARAISO, INDIANA, KNOWN AS THE "SPECTACLE DRIVE
ANNEXATION"**

Councilmember Hudson moved that Ordinance No. 20, 2018 be read a first time and considered on first reading. Councilmember Reed seconded the motion. Clerk-Treasurer Swihart read Ordinance No. 20, 2018. Councilmember Hudson moved to carry Ordinance No. 20, 2018 to the November 12, 2018 meeting. Included in this motion is the notation that the Public Hearing for this Ordinance has been conducted at the October 22, 2018 meeting. Councilmember Reed seconded the motion.

Upon voice vote the motion to carry Ordinance No. 20, 2018 to the November 12, 2018 meeting passed with a 7-0 vote.

The meeting adjourned at 11:45 p.m.

/s/ Sharon Swihart, Clerk-Treasurer