

**MINUTES OF THE MEETING  
OF THE COMMON COUNCIL  
VALPARAISO, INDIANA  
January 23, 2023**

The Common Council of the City of Valparaiso, Indiana, met on Monday January 9, 2023 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, Peterson, Anderson, and Costas.

**MINUTES**

**MOTION:** Councilmember Schmidt moved to adopt minutes of the January 9, 2023 meeting. Councilmember Reed seconded the motion. Upon voice vote the motion passed with a 7-0 vote.

**ORDINANCE NO. 26, 2022**

**AN ORDINANCE ANNEXING CERTAIN TERRITORY TO THE CITY OF VALPARAISO, INDIANA,  
PLACING THE SAME WITHIN THE CORPORATE BOUNDARIES THEREOF AND MAKING THE  
SAME A PART OF THE CITY OF VALPARAISO, INDIANA (THE “IN-49 & VALE PARK RD  
ANNEXATION”)**

Councilmember Schmidt moved that Ordinance No. 261, 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.

Beth Shrader advised this is the second of three hearings on this Ordinance. This is a voluntary annexation. Tonight is Public hearing only. This is primarily driven by the sports complex. The south portion is not in the City. This Ordinance annexes that portion. There are seven parcels and the right of way. This is an opportunity to clean up the area and make it all contiguous and put the land they need for the park within the City. This was anticipated in the Comprehensive Plan. This will be voted on at the February 27, 2023 meeting.

**Public Hearing**

Mayor Murphy announced Ordinance No. 26, 2022 requires a Public Hearing and presented Proof of Publication that at tonight’s meeting the Council will hear comments on the IN-4-9 & Vale Park Road Annexation.

Terry Biesen – 446 Meadowbrook. Will 5G towers go on this property? How close will it be to the houses?

Melanie Seabold-Heacock – 2904 Blue Grouse. What is the intent for the property between her and Hwy 49. What happens with the extra traffic at the roundabout?

Thomas Feranec – 443 Meadowbrook. There should be a buffer for the critters. Are wellheads going on this property? If so, how will that affect his well? Is a band shelter going on the property?

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

**Beth Shrader’s Response to Comments**

It is not anticipated to put 5G towers on the property. The park comes up to Meadowbrook subdivision. The south portion of the park is Phase 2. This will not be developed for a while. When it is developed it will be

passive recreation. Nothing is planned for the right of way by Audubon. INDOT owns this property. There will be an increase in traffic at the roundabout. The City will monitor this. Some of the traffic will be alleviated with the extension of Memorial Parkway. The south portion will be the best protection for the wildlife habitat. VCS is exploring spots around the City for additional wells. Nothing has been finalized with that. There are no plans for a band shelter.

Councilmember Cotton – The last time this Ordinance was before the Council, there was a resident who had not been contacted. Has that been done?

Beth Shrader – No. Certified mail notices have been sent but there has been no reply from the citizen.

**MOTION:** Councilmember Schmidt moved to carry Ordinance No. 26, 2022 to the February 27, 2023 meeting. Councilmember Reed seconded the motion and so approved with a 7-0 roll call vote.

### **ORDINANCE NO. 1, 2023**

#### **AN ORDINANCE APPROPRIATING FUNDS IN THE UNSAFE BUILDING FUND AND PROVIDING FOR PUBLICATION OF NOTICE**

Councilmember Schmidt moved that Ordinance No. 1, 2023 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.

Clerk-Treasurer Taylor – This is an annual Ordinance. The balance of the fund is \$190,000.00. This year she is transferring \$175,000.00. This will cover any need for demolition. Demolitions are always presented to and approved by the Board of Works.

Councilmember Cotton –Is there anything scheduled for demolition?

Vicki Thrasher – Nothing right now. Board of Works approves the contract if one is scheduled. There are several on the horizon. If the money is not spent this year, it reverts back to the Unsafe Building Fund for the next year.

#### **Public Hearing**

Mayor Murphy announced Ordinance No. 1, 2023 requires a Public Hearing and presented Proof of Publication that at tonight's meeting the Council will hear comments on the appropriation of \$175,000 in the Unsafe Building Fund.

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

**MOTION:** Councilmember Schmidt moved to adopt Ordinance No. 1, 2023. Councilmember Reed seconded the motion. The motion passed with a 7-0 roll call vote.

### **ORDINANCE NO. 2, 2023**

#### **AN ORDINANCE APPROPRIATING FUNDS IN THE GENERAL FUND AND PROVIDING FOR PUBLICATION OF NOTICE**

Councilmember Schmidt moved that Ordinance No. 2, 2023 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.

Clerk-Treasurer Taylor addressed the Council. These are lines in the General Fund. After doing the budget last year it was decided to give a minimum of \$1,000 increase. These lines do not have overtime built into them so money has to be put in to cover them.

### **Public Hearing**

Mayor Murphy announced Ordinance No. 2, 2023 requires a Public Hearing and presented Proof of Publication that at tonight's meeting the Council will hear comments on the appropriation of \$3,000 in the General Fund.

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

**MOTION:** Councilmember Schmidt moved to adopt Ordinance No. 2, 2023. Councilmember Reed seconded the motion. The motion passed with a 7-0 roll call vote.

### **ORDINANCE NO. 3, 2023**

#### **AN ORDINANCE APPROPRIATING FUNDS IN THE FIREFIGHTING FUND AND PROVIDING FOR PUBLICATION OF NOTICE**

Councilmember Schmidt moved that Ordinance No. 3, 2023 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.

Clerk-Treasurer Taylor – This is an Ordinance transferring funds to pay for inspectors and supplies. The money is generated by inspections.

### **Public Hearing**

Mayor Murphy announced Ordinance No. 3, 2023 requires a Public Hearing and presented Proof of Publication that at tonight's meeting the Council will hear comments on the appropriation of \$125,000 in the Firefighting Fund.

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

**MOTION:** Councilmember Schmidt moved to adopt Ordinance No. 3, 2023. Councilmember Reed seconded the motion. The motion passed with a 7-0 roll call vote.

### **ORDINANCE NO. 4, 2023**

#### **AN ORDINANCE APPROPRIATING FUNDS IN THE CAPITAL EQUIPMENT FUND AND PROVIDING FOR PUBLICATION OF NOTICE**

Councilmember Schmidt moved that Ordinance No. 4, 2023 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.

Clerk-Treasurer Taylor – These funds come from the RDC. It is an annual appropriation which is limited to the purchase of squad cars for the Police Department.

Councilmember Cotton – This seems to be an annual expenditure. Are these funds depleted each year?

Clerk-Treasurer Taylor – Yes.

Councilmember Cotton – He would like to see future ordinances be more precise and say where the money is coming from and what it will be spent on.

### **Public Hearing**

Mayor Murphy announced Ordinance No. 4, 2023 requires a Public Hearing and presented Proof of Publication that at tonight's meeting the Council will hear comments on the appropriation of \$450,000 in the Capital Equipment Fund.

Mary Abraitus – 605 Yellowstone. She sees police vehicles in personal driveways in other cities. Are they allowed to use these vehicles for personal use?

Clerk-Treasurer Taylor – They are not for personal use, but they do take them home.

Mary Abraitus – What differentiates personal use when you are going to Cedar Lake and St. John?

Chief McIntyre – The vehicles are allowed to be taken home and are allowed off duty use of the vehicle. This is allowed for public safety. They can respond faster.

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

**MOTION:** Councilmember Schmidt moved to adopt Ordinance No. 4, 2023. Councilmember Reed seconded the motion. The motion passed with a 7-0 roll call vote.

### **ORDINANCE NO. 5, 2023**

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

Councilmember Schmidt moved that Ordinance No. 5, 2023 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.

Clerk-Treasurer Taylor – ARPA funds do not carry from year to year. This Ordinance appropriates ARPA funds for 2023. There are balances due on some of the non-profit projects.

Councilmember Cotton – There should be money left including money for the demolition/acquisition of Whispering Pines. He has talked with Whispering Pines and they have told him nothing is being done with the City's acquisition of this building but they are open to ideas. In the study that was done 35% to 40% of citizens said they would like the ARPA money to go towards water and sewer expanded infrastructure. He would like to see the money set aside for this go towards the extra cost being placed on residents for the two bonds and raising rates. It is premature to put this money in a place where it is harder to get it out if needed and should a place not be found for seniors.

Attorney Patrick Lyp – There is no acquisition of property identified in the ARPA Plan. He has been involved in conversations with the CEO of the Pines regarding demolition and the placement of the ACE building. There has not been a finalization of the plans. There is a bid proposal for the demolition. It is the City's position that until there is a finalization on demolition as well as where the ACE will go, what is the land lease or the cost for the placement of that structure; nothing is to be finalized. His conversations have been with the President and CEO of the Pines.

Councilmember Cotton – The CEO has made it clear to him that nothing is proposed.

Attorney Lyp – He said there is nothing proposed, or nothing finalized?

Councilmember Cotton – They do not have a proposal to consider and get back to the City on. The money should be spent helping citizens with all of the expenses the City has added on them recently. That is a qualified use of the money.

### **Public Hearing**

Mayor Murphy announced Ordinance No. 5, 2023 requires a Public Hearing and presented Proof of Publication that at tonight's meeting the Council will hear comments on the appropriation of \$1,839,256.90 in the American Rescue Plan Act.

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

**MOTION:** Councilmember Schmidt moved to adopt Ordinance No. 5, 2023. Councilmember Reed seconded the motion. The motion passed with a 6-1 roll call vote. Councilmember Cotton voted No.

### **ORDINANCE NO. 6, 2023**

#### **AN ORDINANCE APPROPRIATING FUNDS IN THE FORFEITURE & SEIZED ASSETS FUND AND PROVIDING FOR PUBLICATION OF NOTICE**

Councilmember Schmidt moved that Ordinance No. 6, 2023 be read a first time and considered on first reading. Councilmember Reed seconded the motion. Clerk-Treasurer Taylor read Ordinance No. 6, 2023.

Clerk-Treasurer Taylor – Money for this fund comes from the State and Federal funds. There is a need for an extra \$30,000 from the Federal money to pay for equipment. The current balance is \$112,000.00

**MOTION:** Councilmember Schmidt moved to carry Ordinance No. 6, 2023 to the February 13, 2023 meeting. Councilmember Reed seconded the motion. The motion passed with a 7-0 voice vote.

### **ORDINANCE NO. 7, 2023**

#### **AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF VALPARAISO**

Councilmember Schmidt moved that Ordinance No. 7, 2023 be read a first time and considered on first reading. Councilmember Reed seconded the motion. Clerk-Treasurer Taylor read Ordinance No. 7, 2023.

Beth Shrader – This comes to the Council with a unanimous favorable recommendation from the Plan Commission. Tonight is the first reading on this Ordinance with the Council. Second reading will be at the next meeting. There is no Public Hearing required. This was done at the Plan Commission. The two zones being considered here are Public space and Campus. PS zoning is the most restrictive. It only allows public schools and public parks. Campus zone is required to have a Master Plan that has more detail. It also has underlying uses that are permitted and development standards.

Councilmember Cotton – In a previous project he got a demonstration of the difference between campus and residential.

Beth Shrader - There are two areas notched out on the map. These are not included in the request and will remain GR. Both have homes on them.

Councilmember Cotton - Will these stay the same? There is no buffer shown.

Beth Shrader – At site design buffers will be handled. They will make every attempt to protect property values.

**MOTION:** Councilmember Schmidt moved to carry Ordinance No. 7, 2023 to the February 13, 2023 meeting. Councilmember Reed seconded the motion. The motion passed with a 7-0 voice vote.

### **COMMUNITY UPDATE**

City Engineer Mike Jabo – Yellowstone is classified as a collector street. Alternate routes for Yellowstone would be Campbell or Froberg. Use of Campbell would take traffic downtown. Use of Froberg would add at least 1/2 mile to trips. Traffic counts showed that most traffic on Yellowstone is delivery trucks such as FedEx or Prime. This was a 48 hour count done in 2021 and 2023. Research does not show when the “No Through Truck Traffic” signs were posted. Conversations with employees showed they remember always using Yellowstone. Yellowstone has a lower count than six or seven other similar areas. The width is OK for a collector street. They took core samples of Yellowstone and it meets the standards. The determination has been made that the problem with Yellowstone is deferral of maintenance.

The City has three plans for Yellowstone:

1. Weight limit restrictions will be posted. Exceptions to the weight limit will be school buses, emergency vehicles, Public Works, and Utility Maintenance vehicles.
2. City vehicles will be directed towards 130 and Froberg Road now that there is a traffic signal at that intersection.
3. Maintenance. They will do a structural resurfacing.

### **Comments/Questions from Council**

Councilmember Reed – New surface will bring speeders. She would like the City to watch for that and do what is possible to keep the speed down.

Councilmember Pupillo - He would like the City to take measures to keep the speed down. Also, Froberg road just north of 130 needs repair.

Councilmember Schmidt – Thanks for being so thorough. This will make a difference.

Councilmember Cotton – He appreciates the time and diligence on this issue. He is concerned with the validity of the traffic count. There have been 16 accidents in 6 years. All the accidents were with cars and not trucks. Harrison is marked No Trucks. Has it been core tested?

Mike Jabo – He will look this. Most of the accidents were at Lincolnway and none involved trucks.

Councilmember Anderson – A traffic study was done because of an issue now. There is a reasonable conclusion.

Councilmember Cotton – This issue started in 2019. The City didn't have to wait until January when there is less traffic to do the traffic study.

Councilmember Costas – This will benefit the neighbors and longevity of the road.

Councilmember Reed – When will the repairs be done?

Mike Jabo – They have submitted for a grant. They expect to receive that in April. They are doing the design work now and will pursue sidewalk repairs with other programs.

### **COUNCIL LIAISON**

Councilmember Peterson – The Park Board meets tomorrow. He thanked Councilmember Anderson for the Opioid forum.

Councilmember Schmidt – A lot is going on. Journeyman is progressing as well as the Linc project.

Councilmember Pupillo – The Fire Department is hiring. Let anyone qualified know. Their Annual Report will be out in February. He thanked the Police Department and County officers for their fast response to two false alarms at the High School.

Councilmember Reed – The school board meets Thursday at 6:00 p.m.

### **PUBLIC COMMENTS**

Mary Abraitus – 605 Yellowstone. The City is guilty of Interference of Property. There have been wrong doings by the City on Yellowstone with No Through Trucks signs being removed. There is a difference between repair and restore. She asked when this is going to be taken seriously. And who is the City working for? Problems and solutions have been laid out. There are issues with Mike Jabo's proposal. It is misguided. She will come back to the Council with her rebuttal to Mike's information. She gave Councilmembers a handout.

The meeting adjourned at 7:07 p.m.

/s/ Holly Taylor, Clerk-Treasurer