

MINUTES OF THE MEETING

OF THE COMMON COUNCIL VALPARAISO, INDIANA

March 13, 2023

The Common Council of the City of Valparaiso, Indiana, met on Monday March 13, 2023 at 6:00 p.m. in City Hall. Councilmember Schmidt called the meeting to order. The Pledge of Allegiance was said. Present were Councilmembers Reed, Cotton, Schmidt, Pupillo, Anderson, and Costas. Councilmember Peterson and Mayor Murphy were absent.

MINUTES

Councilmember Cotton discussed the previous minutes. Attorney Patrick Lyp replied to his concerns.

MOTION: Councilmember Reed moved to adopt minutes of the February 27, 2023 meeting. Councilmember Cotton seconded the motion. Upon voice vote the motion passed with a 6-0 vote.

ORDINANCE NO. 12, 2023

AN ORDINANCE APPROPRIATING FUNDS IN THE MUNICIPAL EXCISE SURTAX FUND AND PROVIDING FOR PUBLICATION OF NOTICE

Councilmember Reed moved that Ordinance No. 12, 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 Cotton seconded the motion. Deputy Clerk-Treasurer Kerr-Cook read the Ordinance.

Mike Jabo addressed the Council. The appropriation amount is \$500,000.00. The funds are available to match funds with the projects for street paving.

Public Hearing

Councilmember Schmidt announced Ordinance No. 12, 2023 requires a Public Hearing and presented Proof of Publication that at tonight's meeting the Council will hear comments on the appropriation of \$500,000 in the Municipal Excise Surtax Fund.

Seeing no one wishing to address the Council, Councilmember Schmidt declared the Public Hearing closed.

MOTION: Councilmember Reed moved to adopt Ordinance No. 12, 2023. Councilmember Cotton seconded the motion. The motion passed with a 6-0 voice vote.

ORDINANCE NO. 13, 2023

AN ORDINANCE APPROPRIATING FUNDS IN THE MUNICIPAL WHEEL TAX FUND AND PROVIDING FOR PUBLICATION OF NOTICE

Councilmember Reed moved that Ordinance No. 13, 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 Cotton seconded the motion. Deputy Clerk-Treasurer Kerr-Cook read the Ordinance.

Mike Jabo addressed the Council. The appropriation amount is \$40,000.00. The funds are for paving projects.

Public Hearing

Councilmember Schmidt announced Ordinance No. 13, 2023 requires a Public Hearing and presented Proof of Publication that at tonight's meeting the Council will hear comments on the appropriation of \$40,000 in the Municipal Wheel Tax Fund.

Seeing no one wishing to address the Council, Councilmember Schmidt declared the Public Hearing closed.

MOTION: Councilmember Reed moved to adopt Ordinance No. 13, 2023. Councilmember Cotton seconded the motion. The motion passed with a 6-0 voice vote.

Community Update

Attorney Patrick Lyp discussed the former gas station at 1307 Calumet and the issue residents have over the testing on Fair to make sure there are no contaminants in their property. This testing project is being done by IFA and is not a City project. There will be no pipes sticking out of the ground. The tests will be done now and again in the Spring of 2024. It would be irresponsible of the City to not allow this testing to be done.

Councilmember Cotton – He was responsible for the initial cleaning being done. He was glad that the brownfields were getting cleaned up. There is a need to determine to what extent a plume may be moving. If they determine it is limited to a certain perimeter, then the case can be closed. The concern became acutely problematic when the residents expressed concern about indemnification. They were told to hire an attorney and sue. There is no one to sue. Needing to test to determine the extent can be achieved. Expand the perimeter outside the immediate proximity of these residences. They can determine if the plume has migrated. Currently there is no surface level contamination. The IFA person has said they can take the garage down. Councilmember Cotton would rather see that than adverse consequences to the neighbors. He suggested doing horizontal boring rather than vertical. The objective can be met by expanding the perimeter. The ground can be cleaned out but they do not want to do it with people's life savings.

COUNCIL LIAISON

Councilmember Reed – The School Board meets Thursday at 6:00 pm. The application process for the new School board Member appointment has begun. Applications are due online or at the Clerk-Treasurers office by noon on April 21st.

Councilmember Costas – The Grand Gardner Hotel gave a presentation at the RDC meeting. Councilmember Cotton remarked he has asked for a copy of the presentation but has been told it is not available.

PUBLIC COMMENTS

Jeff Garns – 407 Fair. He presented a picture showing a drill set up in a front yard to do the drill testing that is proposed in his neighborhood. He understands this is not a City project. He is requesting suspension of the permit issued by the City. They had a public meeting. At that meeting they learned that testing in their yards was over reaching and could be detrimental to their property values. He asked if it is possible that IFA could have spread the contamination when they were doing the initial clean up at the site. He asked who is liable in the event of an accident. Is there a Certificate of Insurance naming the City and residents. What other technology could be used. If this testing is done from the City right of way, will they do independent testing and who will pay for it? The test holes are 91" apart. Mr. Morris told him 30' from the bore holes will be off limits to the residents.

Tom Kaiser – 409 Fair. He went to the County to see about the easement. He was told there was nothing recorded. He explained the type of easement or right-of-way determines what can be done in that easement. He questioned if the City has the legal right to transfer to IDEM.

Kevin Kleemann – 4207 Oak Grove Drive. Property owner at 406 Fair. He bought this property and is remodeling it for his mother to move in. He purchased this property approximately one year ago. It was not disclosed this testing was being done. He would like to know why he is being forced to allow this. At the public meeting there was no talk about an alternative. He asked how much IFA was given in a grant to do this work. When they were doing the initial cleaning, they made a mess of the neighborhood. He does remodeling and has to get permits. Permits are supposed to assure there is insurance and that inspections are done. He and his neighbors have been told no one can be within 30' of the drill holes.

Lisa Garns – 407 Fair. She provided the document where they were told they could not be within 30' of the drill holes. She says there has been no transparency on this project. She is the one who initiated the Public Meeting in July of 2022. Mr. Morris has admitted to her that they do not have a very good track record. He also said the real reason for this is to check off an administrative check box. This is for IFA to close the books. She has been told that if a homeowner finds contamination on their property they can recoup from the property owner where the contamination came from. In this case there is no one to go to. The property owner has passed away and the estate turned the property over to IFA because they could not afford the remediation.

Tom Davis – 56 Chicago. He is concerned about the lack of transparency and accountability of the Linc project. So far eight businesses have been lost. The Developer has been paid \$3 Million Dollars. \$17 Million has been set aside for a parking garage. The City keeps developing high end homes. Soon the Police, Firemen and Teachers will not be able to afford to live in Valparaiso.

The meeting adjourned at 6:57 p.m.

/s/ Holly Taylor, Clerk-Treasurer