

MINUTES OF THE MEETING
OF THE COMMON COUNCIL
VALPARAISO, INDIANA

May 12, 2008

The Common Council of the City of Valparaiso, Indiana, met on Monday, May 12, 2008 at 7:00 p.m. in City Hall. Mayor Costas called the meeting to order. The Pledge of Allegiance was said. Clerk-Treasurer Swihart called roll. Present were Councilmembers Larr, Bowker, Ward, Taylor, Eisenmenger, Elwood and Dick.

MINUTES

Councilmember Dick moved to approve minutes of the April 28, 2008 meeting. Councilmember Taylor seconded the motion. Upon voice vote the motion to adopt the minutes passed 7-0.

PRESENTATION

Steve Doniger addressed the Council. He discussed the traffic situation and solutions at Westside Park.

ORDINANCE NO. 16, 2008

AN ORDINANCE AUTHORIZING THE ISSUANCE OF THE CITY OF VALPARAISO, INDIANA ADJUSTABLE RATE DEMAND ECONOMIC DEVELOPMENT REVENUE BONDS, SERIES 2008 (PINES VILLAGE RETIREMENT COMMUNITIES, INC. PROJECT), AND THE LENDING OF THE PROCEEDS THEREOF TO PINES VILLAGE RETIREMENT COMMUNITIES, INC. AND AUTHORIZING AND APPROVING OTHER ACTIONS IN RESPECT THERETO

Councilmember Eisenmenger moved that Ordinance No. 16, 2008 be read a second time by title and a third time in full and be considered for adoption and the opportunity be given for offering amendments to said Ordinance. Councilmember Dick seconded the motion. Clerk-Treasurer Swihart read the Ordinance. Councilmember Dick moved to adopt Ordinance No. 16, 2008. Councilmember Bowker seconded the motion.

Matt Murphy of the VEDC addressed the Council. The City of Valparaiso will not incur any liability for this bond issuance. This request comes to the Council with a favorable vote from the Economic Development Commission.

City Attorney Dave Hollenbeck addressed the Council. There is a request to amend the Ordinance and change twenty-six years to thirty years in Section 4 section (ii).

Councilmember Bowker moved to amend Ordinance No. 16, 2008, Section 4 section (ii) by changing twenty-six years to thirty years. Councilmember Dick seconded the motion. Upon roll call vote the motion to amend passed with a 7-0 vote.

Upon roll call vote the motion to adopt Ordinance No. 16, 2008, as amended, passed with a 7-0 vote.

ORDINANCE NO. 19, 2008

AN ORDINANCE AUTHORIZING THE ISSUANCE OF THE CITY OF VALPARAISO, INDIANA MULTI-MODAL, ECONOMIC DEVELOPMENT REVENUE BONDS, SERIES 2008 (TASK FORCE TIPS, INC. PROJECT) AND AUTHORIZING AND APPROVING OTHER ACTIONS IN RESPECT THERETO

Councilmember Eisenmenger moved that Ordinance No. 19, 2008 be read a second time by title and a third time in full and be considered for adoption and the opportunity be given for offering amendments to said Ordinance. Councilmember Dick seconded the motion. Clerk-Treasurer Swihart read the Ordinance. Councilmember Dick moved to adopt Ordinance No. 19, 2008. Councilmember Bowker seconded the motion.

Matt Murphy addressed the Council. This request is from Task Force Tips. The sale of the bonds will be used to finance the construction and equipping of a new facility. This will provide

approximately 45 new jobs. It comes to the Council with a favorable vote from the Economic Development Commission.

Upon roll call vote the motion to adopt Ordinance No. 19, 2008 passed with a 7-0 vote.

RESOLUTION NO. 8, 2008

ADOPTING A FISCAL PLAN FOR THE ANNEXATION OF PROPERTY KNOWN AS THE JKTM ANNEXATION TO THE CITY OF VALPARAISO, INDIANA

Councilmember Eisenmenger moved that Resolution No. 8, 2008 be read a first time and considered on first reading. Councilmember Dick seconded the motion. Clerk-Treasurer Swihart read Resolution No. 8, 2008. Councilmember Dick moved to adopt Resolution No. 8, 2008. Councilmember Bowker seconded the motion.

Craig Phillips addressed the Council. This is a 100% voluntary annexation. Petitioners Todd Martin and John Kickbush addressed the Council. They explained the project for this site. Craig Phillips discussed the Fiscal Plan.

Upon roll call vote the motion to adopt Resolution No. 8, 2008 passed with a 7-0 vote.

ORDINANCE NO. 22, 2008

AN ORDINANCE ANNEXING REAL ESTATE INTO THE CITY OF VALPARAISO, PORTER COUNTY, INDIANA KNOWN AS THE "JKTM ANNEXATION"

Councilmember Eisenmenger moved that Ordinance No. 22, 2008 be read a first time and considered on first reading. Councilmember Dick seconded the motion. Clerk-Treasurer Swihart read the Ordinance. Councilmember Bowker moved to carry Ordinance No. 22, 2008 to the June 9, 2008 meeting. Councilmember Dick seconded the motion.

Craig Phillips addressed the Council. This Ordinance comes to the Council with a favorable recommendation from the Plan Commission. This Ordinance requires a Public Hearing. Mayor Costas announced it has been published that at tonight's meeting the Council will hear Ordinance No. 22, 2008 regarding annexation of land and declared the Public Hearing open. Seeing no one wishing to address the Council, he declared the Public Hearing closed.

Upon voice vote the motion to carry Ordinance No. 22, 2008 to the June 9, 2008 meeting passed with a 7-0 vote.

Councilmember Larr asked what is between the City limits and where this property begins. It was decided it is undeveloped land and an extension of the right of way of Clifford Road. He asked if the City is under any obligation for Clifford Road. Craig replied no.

RESOLUTION NO. 9, 2008

A RESOLUTION AUTHORIZING THE CLERK-TREASURER OF THE CITY OF VALPARAISO TO MAKE A TEMPORARY INTERFUND LOAN IN ANTICIPATION OF TAXES TO BE RECEIVED FROM THE RAINY DAY FUND TO THE EDIT FUND

Councilmember Eisenmenger moved that Resolution No. 9, 2008 be read a first time and considered on first reading. Councilmember Dick seconded the motion. Clerk-Treasurer Swihart read Resolution No. 8, 2008. Councilmember Dick moved to adopt Resolution No. 8, 2008. Councilmember Bowker seconded the motion.

Sharon Swihart addressed the Council. This is a loan to the EDIT Fund in anticipation of the taxes to come from the County.

Councilmember Ward asked how far the City is into the Rainy Day Fund. Sharon replied the Park Department has half a million dollars and will be coming shortly for some more.

Upon roll call vote the motion to adopt Resolution No. 9, 2008 passed with a 7-0 vote.

ORDINANCE NO. 12, 2008

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY REZONING LAND WITHIN THE CITY OF VALPARAISO FROM R-1 SINGLE FAMILY RESIDENTIAL DISTRICT TO R-3 MULTIPLE FAMILY RESIDENTIAL DISTRICT

Councilmember Eisenmenger moved that Ordinance No. 12, 2008 be read a second time by title and a third time in full and be considered for adoption and the opportunity be given for offering amendments to said Ordinance. Councilmember Dick seconded the motion. Clerk-Treasurer Swihart read the Ordinance. Councilmember Dick moved to adopt Ordinance No. 12, 2008. Councilmember Bowker seconded the motion.

Todd Leeth, attorney on behalf of the Petitioner, addressed the Council. He gave a summary of his presentation made at the last Council meeting. This comes to the Council with a favorable recommendation from the Plan Commission.

Councilmember Ward expressed her concern over having more apartments in the City. Todd Leeth responded that Valparaiso is a college town and rental units are always high. The St. James project is a buffer to the hospital and various values of homes.

Councilmember Larr stated he feels the apartments go along with the planning of that area. Councilmember Ward stated that apartment buildings always start out looking good and then become run down. Discussion followed regarding this and ways to prevent it. Councilmember Bowker stated his concern with drainage and the impact on Washington Township School. Councilmember Eisenmenger stated his concern over more apartments. Councilmember Dick stated the Plan commission worked very hard to come up with a plan that was a transition between the MOT District and R-1.

Councilmember Taylor asked if the Council approved apartments on East Lincolnway. Mayor Costas replied those are proposed university-housing apartments. Councilmember Taylor also stated that by suing the City, Washington Township has requested that the City not get involved in their matters. Therefore, the impact on the school is not the City's concern.

Mayor Costas opened the discussion to the public. No one wished to address the Council.

Councilmember Ward stated she remembers when Andover was the premier apartment complex. As you look over time, it does not always stay that way. There are many other ideas for this area such as condos.

Upon roll call vote the motion to adopt Ordinance No. 12, 2008 failed with a 3-4 vote. Councilmembers Eisenmenger, Elwood, Bowker, and Ward voted no.

AMENDED ORDINANCE NO. 13, 2008

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF VALPARAISO, INDIANA, REGULATING PARKING WITHIN THE CITY LIMITS OF VALPARAISO, INDIANA

Councilmember Eisenmenger moved that Ordinance No. 13, 2008 be read a second time by title and a third time in full and be considered for adoption and the opportunity be given for offering amendments to said Ordinance. Councilmember Dick seconded the motion. Clerk-Treasurer Swihart read the Ordinance. Councilmember Dick moved to adopt Ordinance No. 13, 2008. Councilmember Bowker seconded the motion.

Bill Oeding addressed the Council. He discussed the need for this Ordinance and changes that have been made.

Councilmember Ward thanked Bill for the work he has done with this Ordinance.

Councilmember Bowker moved that Ordinance 13, 2008 be amended in Section E after the words "Police Department" to add the word "shall". Councilmember Dick seconded the motion.

Upon voice vote the motion to amend Ordinance No. 13, 2008 passed with a 7-0 vote.

Upon roll call vote the motion to adopt Ordinance No. 13, 2008, as amended, passed with a 7-0 vote.

ORDINANCE NO. 17, 2008

AN ORDINANCE ESTABLISHING THE MINIMUM REGULATIONS GOVERNING THE CONDITIONS AND MAINTENANCE OF PROPERTY, BUILDINGS, AND STRUCTURES IN THE CITY OF VALPARAISO, INDIANA; BY PROVIDING THE STANDARDS FOR CONDITIONS ESSENTIAL TO ASSURE THAT THE STRUCTURES ARE SAFE, SANITARY, AND FIT FOR OCCUPATION AND USE, THROUGH THE ADOPTION OF THE 2008 INTERNATIONAL PROPERTY MAINTENANCE CODE

Councilmember Eisenmenger moved that Ordinance No. 17, 2008 be read a second time by title and a third time in full and be considered for adoption and the opportunity be given for offering amendments to said Ordinance. Councilmember Dick seconded the motion. Clerk-Treasurer Swihart read the Ordinance. Councilmember Dick moved to adopt Ordinance No. 17, 2008. Councilmember Bowker seconded the motion.

Vicki Thrasher addressed the Council. She explained the Ordinance.

Councilmember Larr asked how this will help her department. She explained that right now there is no law to enforce. This gives her that ability.

Upon roll call vote the motion to adopt Ordinance No. 17, 2008 passed with a 7-0 vote.

ORDINANCE NO. 18, 2008

AN ORDINANCE APPROPRIATING FUNDS IN THE MAJOR MOVES CONSTRUCTION FUND AND PROVIDING FOR PUBLICATION OF NOTICE

Councilmember Eisenmenger moved that Ordinance No. 18, 2008 be read a second time by title and a third time in full and be considered for adoption and the opportunity be given for offering amendments to said Ordinance. Councilmember Dick seconded the motion. Clerk-Treasurer Swihart read the Ordinance. Councilmember Dick moved to adopt Ordinance No. 18, 2008. Councilmember Bowker seconded the motion.

Mayor Costas discussed the Ordinance and explained the expenditures. He announced this Ordinance requires a Public Hearing and presented Proof of Publication that at tonight's meeting the Council will hear Ordinance No. 18, 2008 regarding expenditures from the Major Moves Construction Fund.

Carol Kuznicki addressed the Council. She expressed her concerns. She also discussed a new law that will affect the Redevelopment Commission. Mayor Costas replied he has looked at HB 10001 and is comfortable with the Redevelopment Commission and the new law.

George addressed the Council. He discussed recent expenses incurred by the City and his concern that money is not being saved for unexpected events.

Mayor Costas declared the Public Hearing closed.

Councilmember Bowker stated the Redevelopment Commission has not paid for the walk at Cumberland Crossing because the engineer has not signed off on it yet. He stated the Lafayette building is not in the TIF district.

Councilmember Elwood asked if there were any tax paying entities interested in purchasing this property. Mayor Costas replied there was one interested that was not a tax paying entity and another that expressed some interest.

Councilmember Ward asked how much is in Major Moves at this time. Sharon Swihart replied there is about \$2.5 Million. Councilmember Ward asked if there are rules as to how this money can be spent. Mayor Costas said there are but they are very broad.

Upon roll call vote the motion to adopt Ordinance No. 18, 2008 passed with a 7-0 vote.

ORDINANCE NO. 20, 2008

AN ORDINANCE AMENDING CHAPTER 155 OF THE MUNICIPAL CODE OF THE CITY OF VALPARAISO ENTITLED "BUILDING CODE"

Councilmember Eisenmenger moved that Ordinance No. 20, 2008 be read a second time by title and a third time in full and be considered for adoption and the opportunity be given for offering amendments to said Ordinance. Councilmember Dick seconded the motion. Clerk-Treasurer Swihart read the Ordinance. Councilmember Dick moved to adopt Ordinance No. 20, 2008. Councilmember Bowker seconded the motion.

Vicki Thrasher stated this is a housekeeping matter.

Upon roll call vote the motion to adopt Ordinance No. 20, 2008 passed with a 7-0 vote.

ORDINANCE NO. 21, 2008

AN ORDINANCE AMENDING CHAPTER 156 OF THE MUNICIPAL CODE OF THE CITY OF VALPARAISO ENTITLED "UNSAFE BUILDING REGULATIONS"

Councilmember Eisenmenger moved that Ordinance No. 21, 2008 be read a second time by title and a third time in full and be considered for adoption and the opportunity be given for offering amendments to said Ordinance. Councilmember Dick seconded the motion. Clerk-Treasurer Swihart read the Ordinance. Councilmember Dick moved to adopt Ordinance No. 21, 2008. Councilmember Bowker seconded the motion.

Councilmember Bowker moved to amend Ordinance No. 21, 2008, section (A) and (B) to read "... a fine not exceeding the maximum amount allowed by law". Councilmember Ward seconded the motion.

Upon voice vote the motion to amend passed with a 7-0 vote. Upon roll call vote the motion to adopt Ordinance No. 21, 2008, as amended, passed with a 7-0 vote.

ORDINANCE NO. 20, 2008

Councilmember Bowker moved to reopen the second reading of Ordinance No. 20, 2008. Councilmember Ward seconded the motion. Councilmember Bowker moved to amend 155.99 Penalties (A) and (B) to read, "... a fine not exceeding the maximum amount allowed by law". Councilmember Ward seconded the motion. Upon voice vote the motion to amend passed with a 7-0 vote.

Upon roll call vote the motion to adopt Ordinance No. 20, 2008, as amended, passed with a 7-0 vote.

ORDINANCE NO. 23, 2008

AN ORDINANCE APPROPRIATING FUNDS IN CUMULATIVE SEWER FUND AND PROVIDING FOR PUBLICATION OF NOTICE

Councilmember Eisenmenger moved that Ordinance No. 23, 2008 be read a first time and considered on first reading. Councilmember Dick seconded the motion. Clerk-Treasurer Swihart read the Ordinance. Councilmember Dick moved to carry Ordinance No. 23, 2008 to the June 9, 2008 meeting. Councilmember Bowker seconded the motion.

John Hardwick addressed the Council. He explained the situation at Horse Prairie and the unexpected expense involved in sewer repairs.

Upon voice vote the motion to carry Ordinance No. 23, 2008 to the June 9, 2007 meeting passed with a 7-0 vote.

NEW BUSINESS

Councilmember Bowker announced at the next Council meeting there will be several Redevelopment Commission items on the Agenda. They will be discussing and explaining HB 10001. The Redevelopment Commission has received approximately \$7 Million in grants.

Councilmember Eisenmenger read a letter of resignation from a school board member. He announced the Traffic and Safety committee meets Tuesday, City Hall at 1:00 p.m.

Councilmember Dick announced the Plan Commission meets Tuesday, City Hall at 7:00 p.m.

AUDIENCE

In answer to a question, Mayor Costas announced City Talk has been cancelled.

Bill Oeding announced that on Friday the Canadian National Railroad begins working on crossings across town.

Steve Doniger announced awards the Park Department is receiving.

The meeting adjourned at 9:00 p.m.

/s/ Sharon Swihart, Clerk-Treasurer