

MINUTES OF THE MEETING  
OF THE COMMON COUNCIL  
VALPARAISO, INDIANA

December 14, 2009

The Common Council of the City of Valparaiso, Indiana, met on Monday, December 14, 2009, at 7:00 p.m. in City Hall. Mayor Costas called the meeting to order. The Pledge of Allegiance was led by Councilmember Bowker. Clerk-Treasurer Swihart called roll. Present were Councilmembers, Larr, Bowker, Taylor, Eisenmenger, Elwood and Dick. Councilmember Ward was present a little later.

**MINUTES**

Councilmember Dick moved to approve minutes of the November 23, 2009 meeting. Councilmember Eisenmenger seconded the motion. Upon voice vote the motion to adopt the minutes passed with a 6-0 vote.

**PRESENTATION**

Mayor Costas presented a check to The Boys & Girls Club of Porter County, Frontline Foundations, Porter County Council on Aging and Community Services and Nexus. Each non-profit organization received a check for \$7,000. The money was raised from the Mayor's Charity Ball and the Mayor's Community Event Fund.

**ORDINANCE NO. 34, 2009**

**AN ORDINANCE AMENDING STORM WATER UTILITY RATES**

Councilmember Eisenmenger moved that Ordinance No. 34, 2009 be read a second time by title and a third time in full and considered for adoption and the opportunity be given for offering amendments to said Ordinance. Councilmember Dick seconded the motion. Clerk-Treasurer Swihart asked that the record show that Councilmember Ward is now present. She then read the Ordinance. Councilmember Dick moved that Ordinance No. 34, 2009 be adopted. Councilmember Bowker seconded the motion.

John Hardwick, Tim Burkman and John Julien of Umbaugh addressed the Council. They each gave a recap of their presentation made at the previous Council meeting.

Mayor Costas announced that Ordinance No. 34, 2009 does not require a Public Hearing but asked for citizen input.

Dennis Byron addressed the Council. He asked about the time line for the 17 projects. Mayor Costas replied these projects would take about 10-12 years. It is anticipated that these projects will have the most impact and will affect other areas and reduce problems. Dennis asked how these projects impact the separation of CSO. Tim Burkman replied they are working on separation of sewers but there is no timeline. Mayor Costas added there is a long term plan in place for separation of sewers. This is a State approved plan. Dennis asked about the culverts in Fairgrounds Park. Are they connected to anything? John Hardwick replied Smith Ditch is connected to the detention pond as well as a line that runs down Calumet. The outlet is in the southwest corner and runs back to Smith Ditch.

Candice Shaw addressed the Council. Exhibit "A" states the rate increase will begin in October. Will residents be back charged from October? Mayor Costas said this will not go into effect until the first of the year.

George Warnock addressed the Council. He feels infrastructure should be done before beautification.

Councilmember Larr stated he represents the west side of the City. There are many areas in his district that need sewer repairs and he will support this Ordinance.

Councilmember Eisenmenger stated he has the same problems in his District and supports this Ordinance.

Councilmember Taylor asked if there are any other increases anticipated. The economy stinks and he is the only one who doesn't like this. He likes the projects but he is scared about the money. Mayor Costas said they do not have any plans for increasing any other fees. If we don't invest in the City the values go down. This is needed and they have taken care to make sure they have chosen projects that will have the most impact. The City has gotten a lot of State and Federal grants to do some of these projects.

Upon voice vote the motion to adopt Ordinance No. 34, 2009 passed with a 7-0 vote.

### **2010 STORMWATER BUDGET**

Matt Kras addressed the Council and presented the 2010 Stormwater budget. This has been approved by the Utility Board. The two major changes are under construction services and personnel. This budget includes the stormwater increase.

Upon roll call vote the 2010 stormwater budget was approved.

### **ORDINANCE NO. 35, 2009**

#### **AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF VALPARAISO, INDIANA, REGARDING THE IMPLEMENTATION OF NEW RATES AND CHARGES FOR WATER UTILITY SERVICES**

Councilmember Eisenmenger moved that Ordinance No. 35, 2009 be read a second time by title and a third time in full and 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 that Ordinance No. 35, 2009 be adopted. Councilmember Bowker seconded the motion.

John Hardwick and John Julien of Umbaugh addressed the Council. They each gave a recap of their presentation made at the previous Council meeting.

Councilmember Larr asked if the loss has ever been calculated from a water break – not in manpower but in actual non use of water. John said they had a serious break last year and it was expensive but they have not done the analysis of loss of revenue from water.

Bob Schwartz addressed the Council. He supports need to have the work done. His concern is that, with an increase, citizens will cut down on consumption. Therefore the increase anticipated will not be realized. John Julien replied and explained how this is actually calculated.

Dennis Byron addressed the Council. He asked where the additional money will be spent. John showed from his presentation the projects needed to be completed and additional capital investments needed. Discussion followed regarding how the money will be spent with this rate increase.

George Warnock again reminded the Council, infrastructure first beautification second.

Bill addressed the Council. He does not feel there was enough notice to citizens so they would be aware of this increase. Mayor Costas replied there have been a number of articles in the newspapers and hearings at the Utility Board which were publicized. There also were notices in the water bills.

Rich Wheeler addressed the Council. He has been attending meetings. Unfortunately, the majority of citizens don't say anything about rate increase until it is too late. He asked if the \$9 trash collection fee will be increased. Mayor Costas said there are no plans to raise that fee.

Ann addressed the Council. Are there any programs to help people on fixed incomes or jobless? John Hardwick replied they work with the Trustee and United Way when citizens have difficulty paying their bills.

Councilmember Ward asked for a report after one year as to the consumption of water.

Councilmember Larr asked if there are any plans for expansion. He also asked if a new subdivision would wash a loss in consumption caused by a rate increase. John Hardwick explained they work with the City as far as expansion and they are planning to encourage water conservation with citizens. Councilmember Larr asked about Bob Schwartz' recommendations to have a citizen board monitor the Utility Board. His thought is that the Utility Board is open to the Public and therefore a citizen committee would not be needed. John Hardwick replied they are watching what happens with the URIC and does not feel a citizen board is necessary.

Councilmember Elwood asked if the Utility Board had Bob Schwartz' report before they voted on approving this increase. John Hardwick replied they did not.

Upon roll call vote the motion to adopt Ordinance No. 35, 2009 passed with a 6-1 vote. Councilmember Taylor voted no.

#### **ORDINANCE NO. 36, 2009**

##### **AN ORDINANCE AMENDING ORDINANCE 33, 2008, PROVIDING FOR REVISION TO WRITTEN COMMITMENTS ASSOCIATED WITH SAID ORDINANCE**

Councilmember Eisenmenger moved that Ordinance No. 36, 2009 be read a second time by title and a third time in full and 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 that Ordinance No. 36, 2009 be adopted. Councilmember Bowker seconded the motion.

Craig Phillips addressed the Council. He gave a recap of his presentation from the previous Council meeting. The only change to the written commitments is the name of the developer.

Councilmember Bowker discussed the roundabout and its affect on this project. Craig replied this still has to go through site review and Plan Commission. The developer will be made aware of any plans on the roundabout and they will have to adjust accordingly. This issue does not affect this Ordinance.

Upon roll call vote the motion to adopt Ordinance No. 36, 2009 passed with a 7-0 vote.

#### **ORDINANCE NO. 37, 2009**

##### **ORDINANCE TO VACATE A PLATTED DRAINAGE EASEMENT ON OUTLOT A IN THE REPLAT OF PARCEL B, EASTPORT CENTRE FOR COMMERCE AND INDUSTRY**

Councilmember Eisenmenger moved that Ordinance No. 37, 2009 be read a second time by title and a third time in full and 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 that Ordinance No. 37, 2009 be adopted. Councilmember Bowker seconded the motion.

Craig Phillips addressed the Council. He gave a recap of his presentation from the previous Council meeting.

Councilmember Larr asked Tim Burkman if he was ok with this Ordinance. Tim said he has no problems with this project.

Upon roll call vote the motion to adopt Ordinance No. 37, 2009 passed with a 7-0 vote.

#### **ORDINANCE NO. 39, 2009**

##### **AN ORDINANCE APPROPRIATING MONEY RECEIVED FROM PARK NON-REVERTING OPERATING SOURCES OF THE CITY OF VALPARAISO FOR THE**

**FISCAL YEAR BEGINNING JANUARY 1, 2010**

Councilmember Eisenmenger moved that Ordinance No. 39, 2009 be read a second time by title and a third time in full and 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 that Ordinance No. 39, 2009 be adopted. Councilmember Bowker seconded the motion.

Mayor Costas stated this Ordinance requires a Public Hearing and presented Proof of Publication that at tonight's meeting the Council will consider the appropriation of Funds in the Park Non-Reverting Operating Fund. Seeing no one wishing to address the Council, he declared the Public Hearing closed.

Upon roll call vote the motion to adopt Ordinance No. 39, 2009 passed with a 7-0 vote.

### **REPORTS**

Mayor Costas stated he will present the EDIT budget at the December 28<sup>th</sup> meeting.

### **AUDIENCE**

Dennis Byron addressed the Council and discussed commercial and rental units paying the trash fee. Bill Oeding explained that if a rental unit has four or more units they have to have commercial trash pick up and therefore are not charged the \$9 fee. Dennis said he feels if the money goes to the roads it should be paid by everybody. Mayor Costas and Sharon Swihart explained this is a fee for the people that get the service. It is a trash fee not a road tax. The Council has made the decision to use the fees collected for paving roads.

Dennis further asked about a 200 unit development. They are looking for private and smaller roads. He would like the City to make it clear to developers that streets need to meet City standards.

Dennis then stated he does not see there is a good mix of rental and single family houses in the City. He would like to see less multi-family buildings in the City. Mayor Costas replied they have discussed this issue. They have not zoned a lot of land for multi-family. This is probably one of the last areas available.

The meeting adjourned at 9:15 p.m.  
/s/ Sharon Swihart, Clerk-Treasurer