

MINUTES OF THE MEETING  
OF THE COMMON COUNCIL  
VALPARAISO, INDIANA

January 11, 2010

The Common Council of the City of Valparaiso, Indiana, met on Monday, January 11, 2010, 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, Elwood and Dick. Councilmembers Taylor and Eisenmenger were absent.

**MINUTES**

Councilmember Dick moved to approve minutes of the December 28, 2009 meeting. Councilmember Bowker seconded the motion. Upon voice vote the motion to adopt the minutes passed with a 5-0 vote.

**PRESENTATION**

Susan Gleason, on behalf of the Tobacco Education & Prevention Coalition of Porter County, presented Mayor Costas and Lynn Gralik with an award.

**RESOLUTION NO. 1, 2010**

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

Councilmember Dick moved that Resolution No. 1, 2010 be read a first time and considered on first reading. Councilmember Bowker seconded the motion. Clerk-Treasurer Swihart read Resolution No. 1, 2010. Councilmember Dick moved to adopt Resolution No. 1, 2010. Councilmember Bowker seconded the motion.

Clerk-Treasurer Swihart addressed the Council. This is the third year for this request. It is a blanket authorization given by the Council to her to lend to the other tax supported funds the cash balance of the Rainy Day Fund.

Mayor Costas thanked the Council for having the foresight to establish this fund years back and use unappropriated EDIT funds to build it up.

Upon roll call vote the motion to adopt Resolution No. 1, 2010 passed with a 5-0 vote.

**RESOLUTION NO. 2, 2010**

**A RESOLUTION ESTABLISHING CITY OF VALPARAISO, INDIANA DESIRE FOR CONTINUING INVOLVEMENT AND PARTICIPATION IN THE NORTHWEST INDIANA REGIONAL DEVELOPMENT AUTHORITY**

Councilmember Dick moved that Resolution No. 2, 2010 be read a first time and considered on first reading. Councilmember Bowker seconded the motion. Clerk-Treasurer Swihart read Resolution No. 2, 2010. Councilmember Dick moved to adopt Resolution No. 2, 2010. Councilmember Bowker seconded the motion.

Bill Hanna, Executive Director of the RDA, addressed the Council. The RDA's purpose is to support and enhance the local economy. Their mission is to do this regionally. The Federal Government wants to know that municipalities can work together and give regional grants. The RDA has given money to the Chicago Dash, Gary/Chicago Regional Airport, South Shore for double decker cars and the Lakeshore. They also have helped with the Little Calumet Basin project.

Councilmember Bowker asked what impact the RDA has seen since there is no Porter County representative on the Board. Bill replied he is committed to explaining what the RDA is about while the lawsuit is pending. It is unfortunate Porter County does not have a representative.

Councilmember Larr asked about the status of the County's quest to drop out of the RDA and if they are successful what happens. Bill answered by explaining the law involved in special legislation. The hearing date on the lawsuit is the end of this month. Dave Hollenbeck added the RDA feels they will be successful in this hearing. It is yet to be determined what will happen regardless of the outcome. Councilmember Larr asked if this Resolution binds the Council if the County is successful in the lawsuit. Mayor Costas replied the Resolution essentially states the City's desire to continue participation in the RDA. Bill Hanna added that if two municipalities pass an ordinance they can participate in the RDA. Mayor Costas voiced his support of the RDA and working regionally to improve the area.

Councilmember Dick voiced his support of the RDA. He has received many calls from his constituents in support of the RDA.

Upon roll call vote the motion to adopt Resolution No.2, 2010 passed with a 5-0 vote.

### **ORDINANCE NO. 41, 2009**

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

Councilmember Dick moved that Ordinance No. 41, 2009 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 Bowker seconded the motion. Clerk-Treasurer Swihart read the Ordinance. Councilmember Dick moved to adopt Ordinance No. 41, 2009. Councilmember Bowker seconded the motion.

Bill Oeding gave a recap of his presentation made at the last Council meeting.

Councilmembers Ward and Elwood asked about the fulltime officer at the High School. Discussion followed and it was determined that the amount the High School has been paying for a part-time officer, will continue to be paid towards the new fulltime officer. This will be one officer that is present at the high school; not several that rotate.

Councilmember Larr voiced his concern over taking salaries out of the EDIT fund. Mayor Costas explained this is a necessary expense but shares his concern.

Mayor Costas announced Ordinance No. 41, 2009 requires a Public Hearing and presented Proof of Publication that at tonight's meeting the Council will consider the appropriation of \$2,810,681 in the EDIT 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. 41, 2009 passed with a 5-0 vote.

### **ORDINANCE NO. 42, 2009**

#### **AN ORDINANCE APPROPRIATING MONEY RECEIVED FROM PARKING SOURCES OF THE CITY OF VALPARAISO FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2010**

Councilmember Dick moved that Ordinance No. 42, 2009 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 Bowker seconded the motion. Clerk-Treasurer Swihart read the Ordinance. Councilmember Dick moved to adopt Ordinance No. 42, 2009. Councilmember Bowker seconded the motion.

Clerk-Treasurer Swihart explained this is the same budget as last year. This is a self supporting budget.

Mayor Costas announced Ordinance No. 42, 2009 requires a Public Hearing and presented Proof of Publication that at tonight's meeting the Council will consider the appropriation of \$92,000 in the Parking Meter 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. 42, 2009 passed with a 5-0 vote.

### **ORDINANCE NO. 1, 2010**

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

Councilmember Dick moved that Ordinance No. 1, 2010 be read a first time and considered on first reading. Councilmember Bowker seconded the motion. Clerk-Treasurer Swihart read Ordinance No. 1, 2010. Councilmember Dick moved to carry Ordinance No. 1, 2010 to the January 25, 2010 meeting. Councilmember Bowker seconded the motion.

Clerk-Treasurer Swihart explained this is the fund where inspection fees are deposited. It is the same budget as last year. It is a self supporting budget.

Upon voice vote the motion to carry Ordinance No. 1, 2010 to the January 25, 2010 meeting passed with a 5-0 vote.

### **ORDINANCE NO. 2, 2010**

#### **AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF VALPARAISO, INDIANA, ESTABLISHING A REGISTRATION AND INSPECTION PROGRAM FOR RENTAL HOUSING UNITS LOCATED WITHIN THE CITY OF VALPARAISO, INDIANA, AND ESTABLISHING MINIMUM STANDARDS FOR RENTAL HOUSING WITHIN THE CITY OF VALPARAISO, INDIANA**

Councilmember Dick moved that Ordinance No.2, 2010 be read a first time and considered on first reading. Councilmember Bowker seconded the motion. Clerk-Treasurer Swihart read Ordinance No. 2, 2010. Councilmember Dick moved to carry Ordinance No. 2, 2010 to the January 25, 2010 meeting. Councilmember Bowker seconded the motion.

Ethan Lowe addressed the Council. He explained the details of this program. Valparaiso currently has 5-6,000 rental units. In preparing this Ordinance they looked at municipalities that have similar programs. Besides meeting with other municipalities, they have discussed this issue with local landlords and Councilmembers. This is to put in place the very basic and minimal requirements for rental units in the City of Valparaiso. Vicki Thrasher, as the City's Building Commissioner, will be the Rental Housing Officer. All rental units within the City need to be registered on an annual basis. They will be required to pay a registration fee of \$25 and provide an affidavit stating the occupants of the unit. The units will be inspected by off duty firefighters who will report their findings directly to Vicki. Landlords will be notified of any problems and given a time to fix the problem. At the end of that time, the unit will be re-inspected. Rental occupants can report a problem and an off-cycle inspection will be conducted. The Board of Public Works and Safety will be the appellate body for purposes of this program.

Councilmember Bowker asked about some grammatical mistakes. These have been corrected.

Councilmember Elwood voiced his support of this Ordinance especially for low income or bi-lingual occupants who might not understand issues.

Councilmember Larr asked how many of the rental units are single family and how will they be identified. Ethan replied they are attempting to get awareness of this new Ordinance out to the public. They have discussed putting a message on the water bills. Councilmember Larr asked if the City will be able to use the County Health Department in instances where vacating a unit is necessary. Ethan replied they will not have to rely on the Board of Health but there are other entities that can help also. Councilmember Larr asked if a violation can be used as a reason for a tenant to not pay rent. Ethan said this is not the intent of this Ordinance.

Councilmember Bowker asked about units that become occupied during the year. Ethan replied once construction is completed or occupancy is established, they have 10 days to register. If the tenants change within the year they also have to notify the City.

Councilmember Ward asked if this applies to room rental. Ethan said that is correct.

Dennis Byron addressed the Council. He asked if the tenants have the right to refuse an inspection. Ethan said they do have that right and then a search warrant would be necessary. Dennis asked about a checklist for inspections. Ethan and Vicki replied there will be a form the firefighters will follow. Dennis asked about the time involved for the inspection process. Chief Nondorf explained it will take quite a bit of time and he expects to use several firefighters. They will be compensated out of the annual fee collected for registration.

Julie Starvek addressed the Council. She asked how many landlords were contacted and how many units they represent. Ethan replied they met with four to five landlords.

Rich Wheeler addressed the Council. He hopes there is something in the Ordinance that prevents passing the buck between the landlord and tenant. Ethan replied this is covered in the Ordinance.

Upon voice vote the motion to carry Ordinance No. 2, 2010 to the January 25, 2010 meeting passed with a 5-0 vote.

### **ORDINANCE NO. 3, 2010**

#### **AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF VALPARAISO, INDIANA, REPEALING AND REPLACING CHAPTER 154 OF THE CODE OF ORDINANCES ENTITLED PROPERTY MAINTENANCE ORDINANCE**

Councilmember Dick moved that Ordinance No.3, 2010 be read a first time and considered on first reading. Councilmember Bowker seconded the motion. Clerk-Treasurer Swihart read Ordinance No. 3, 2010. Councilmember Dick moved to carry Ordinance No. 3, 2010 to the January 25, 2010 meeting. Councilmember Bowker seconded the motion.

Ethan Lowe addressed the Council. This is a housekeeping matter. The City currently has a property maintenance code which provides regulations on exterior maintenance of residential and commercial buildings. It has been discovered there are licensing issues with posting an entire section of this code on the web page because it is a national code. They are requesting to repeal that code and replace it with this Ordinance which can be posted on the website.

Upon voice vote the motion to carry Ordinance No. 3, 2010 to the January 25, 2010 meeting passed with a 5-0 vote.

### **REPORTS**

Councilmember Bowker complimented the Street Department on plowing the streets.

Councilmember Dick announced tomorrow's Plan Commission meeting has been cancelled.

Councilmember Bowker announced the Redevelopment Commission will meet Thursday at 5:00

Clerk-Treasurer Swihart stated Councilmembers have received a report of the yearly interest income.

### **AUDIENCE**

Rich Wheeler addressed the Council. He repeated his request to ban the use of cell phones while driving. Ethan Lowe replied they have looked into this issue and it is a State issue. Municipalities do not have much enforcement power on this.

The meeting adjourned at 8:35 p.m.

/s/ Sharon Swihart, Clerk-Treasurer