

February 20, 2024

The Common Council of the City of La Porte met in regular session Monday, February 20, 2024, at 6:00 P.M. in Council Chambers.

Pledge of Allegiance

Councilman Galloway led the Pledge of Allegiance.

Roll Call:

Present: Feikes, Galloway, Buchanan, West, Franke, Huffman

Absent: Konieczny

Approval of Minutes

Mayor Dermody stated each member received an advance copy of the minutes from the previous meeting and asked if there were any corrections or additions. Councilwoman Feikes moved to approve the minutes as presented, motion was seconded by Councilman Galloway and unanimously carried.

Mayor Dermody stated he understands many in attendance are present to speak regarding the appointment of the new Police Chief. Mayor Dermody stated contrary to misinformation, this is not a new ordinance, this is nothing more than an amendment to an invalid and outdated ordinance from twenty-eight years ago. The amendment in question would align language which has been State law since 1996. City Attorney Nick Otis stated Mayor Dermody previously asked him whose authority it was to appoint the Police Chief and whether the five-year continuous service was applicable. Mr. Otis stated that prior to 1996 the State Statute read that the five-year continuous service requirement may be waived by a majority vote of the City's Legislative body upon the request of the City Executive. The City of La Porte's Ordinance followed State statute as it existed and was written prior to 1995. In 1996, the Indiana legislature amended the statute and specifically stated the five-year continuous service requirement may be waived by the City Executive. The amendment has been State law since 1996. Attorney Otis stated in 2005, the Attorney General was asked about this very issue and ruled that any Ordinance that is inconsistent with State statute is invalid. Attorney Otis noted he provided his legal analysis with his legal opinion to Mayor Dermody and stated if he thought Council had the authority to make this decision, Attorney Otis would have advised him and the Council of the same. Instead, Attorney Otis advised him based off the current State statute, under Indiana Law, and the interpretation from the Indiana Attorney General.

Councilman Franke stated Indiana State Law, specifically Indiana Code Section 36-8 D43, does not impose restrictions on the appointment of the Chief of Police solely to individuals within the organization. Councilman Franke stated City of La Porte's current Ordinance is inconsistent with State law and that is why he requested to amend the ordinance. Councilman Franke stated each time he comes across an ordinance that is inconsistent with State law, he wants to see it aligned to avoid confusion. Councilman Franke stated he does not see the point of having ordinances with no legal standing noting that while he recognizes the importance of aligning the City's Ordinances with State law, he also understands the concerns raised by members of our community and our First Responders. Councilman Franke stated despite the invalidity of the current Ordinance, he would like to withdraw this amendment from the agenda and for the foreseeable future.

Introduction of an Ordinance Amending Ordinance No. 1672 – Appointment and Removal Authority: Councilman Franke made a motion to remove an Ordinance Amending Ordinance No. 1672 – Appointment and Removal Authority from the agenda; motion was seconded by Councilwoman Feikes and unanimously carried.

Petitions and Comments of Citizens

Robert Metcalf, Jody Slabaugh, Sierra Sue Jesch, Larry Pinkerton, Chris Pinkerton and Emily Robben all spoke in opposition of appointing a Chief of Police without the five-year continuous service requirement. Ms. Pinkerton also expressed her opposition to the 39N annexation.

Jessica Sheeler, 1866 N 100 W, addressed Council regarding the townhomes that are being built across the street from her. Ms. Sheeler stated it is not yet known where the corridor is going, and the property may be needed for that.

Tim Stabosz, 1501 Michigan Avenue, addressed Council regarding the Quiet Zone. He commended the Mayor and the Council for being able to get the Quiet Zone in place. Mr. Stabosz also expressed his opposition to the hiring of a Chief of Police from outside of the ranks.

Linda Shepperson, 800 Michigan Ave Apt. 307 addressed Council regarding TransPorte. Ms. Shepperson discussed the wait times that riders have experienced recently.

Mayor Dermody stated since 2019, there has been an increase of 25% in police salaries and certified salaries. Overall, there will be an increase to

certified salary of 33% by 2026. Over the next three years, each officer will receive \$14,500 in wage increases, not including longevity pay. Mayor Dermody noted this Administration has upgraded vehicles, technology, clothing allowance and funded the Emergency Response Team for \$100,000 all of which is now separate from salaries because this Administration and Council is committed to our Public Safety Officers, and both Fire and Police know how much we care. Mayor Dermody stated Chief Buell started his career in the City of La Porte, grew in the department, and had success when he moved to the County. Mayor Dermody stated geography does not define leadership and stated we have an individual that will lead our young department and prepare our officers for the next step. Assistant Chief Matt Drangmeister was selected as Assistant Chief from in house. Mayor Dermody stated Chief Buell will not be here forever but is going to help lead the team forward and together. Mayor Dermody stated legally, Richard Buell is our Chief of Police and will be our Chief of Police moving forward. Mayor Dermody stated this was his decision. Mayor Dermody stated despite the great relationship he's had with the FOP in the past, he did not receive any direct contact from the FOP prior to this meeting. Mayor Dermody stated he and the FOP will have a new relationship moving forward.

City of La Porte Police Commendation Awards

Police Chief Buell stated the Police Department has two Commendation awards, one for Officer Michael Lippelt and Officer Taylor Atkinson for their quick action in securing an individual with a gun who was threatening a "suicide by cop". Chief Buell invited Captain Joe Blake to come to the podium to present the commendations to Officer Lippelt & Officer Atkinson.

Standing Committee Reports

Redevelopment Commission:

Councilman Franke reported Redevelopment Commission will meet Wednesday February 28, 2024, in Council Chambers at 5:15 P.M.

Sustainability Commission:

Councilwoman Huffman reported the Sustainability Commission will meet in Council Chambers on Monday February 26, 2024, at 4:00 P.M.

Park Board:

Councilwoman Feikes reported the Park Board will be meeting tomorrow at 4:00 P.M. at the Park Office.

Traffic Commission:

Councilwoman Feikes reported the Traffic Commission will be meeting Tuesday March 5, 2024, at 5:00 P.M. at the Police Station.

Police Merit Commission:

Councilman Galloway reported the Police Merit Commission will meet on March 19, 2024.

Plan Commission: Councilman Buchanan reported the Plan Commission met on February 13th at 6:00 p.m. Officers were selected for the year and a Zone Map petition 24-01 was heard. The petition was sent to the Council with a favorable recommendation.

Historic Preservation

Councilman Buchanan reported the Historic Preservation Commission will meet tomorrow, February 21, 2024, at 5:30 p.m. in the Council Chambers.

School Board Liaison

Councilman Buchanan stated La Porte Schools had several groups compete at the State level over the past couple weeks including the Slicer Girls Bowling team, a Varsity Wrestler, Symphony Orchestra students and student broadcasters.

Fire Merit Commission

Councilwoman West reported the Fire Merit Commission hired Duneland Media to produce a media package to advertise the Fire Department is accepting applications for their upcoming hiring list. The applications will be available on-line and at Station 1 through March 27, 2024. The mental aptitude test will be administered on April 13, 2024, at the Civic Auditorium. The Fire Merit Commission also certified the promotional lists which will remain in effect for the next two years, expiring on January 31, 2026.

Introduction of an Ordinance to Amend the Zoning Ordinance of the City of La Porte, Indiana as Enacted August 21, 2017, which is Part of Chapter 82 of the Municipal Code of the City of La Porte by Amending the Official Zone Map that are a Part of the Zoning Ordinance in Order to Re-Zone Two Parcels of Real Estate in the City of La Porte

Councilwoman West moved to introduce an Ordinance; motion seconded by Councilman Franke and unanimously carried. Councilwoman West read an Ordinance to Amend the Zoning Ordinance of the City of La Porte, Indiana as Enacted August 21, 2017, which is Part of Chapter 82 of the Municipal Code of the City of La Porte by Amending the Official Zone Map that are a Part of the Zoning Ordinance in Order to Re-Zone Two Parcels of Real Estate in the City of La Porte in its entirety.

Bert Cook, Executive Director of the La Porte Economic Advancement Advisory, addressed the Council regarding this Ordinance. He advised the Plan Commission to give a favorable recommendation regarding this change. He stated this was a voluntary annexation with an approved Development Agreement approved in 2023.

Second and final reading of this Ordinance will take place at the March 4, 2024, Council meeting.

Introduction of an Ordinance Establishing a Four-Way Stop at the Intersection of Lake Street and Tyler Street

Councilwoman Feikes moved to introduce an Ordinance; motion seconded by Councilman Galloway and unanimously carried. Councilwoman Feikes read an Ordinance Establishing a Four-Way Stop at the Intersection of Lake Street and Tyler Street in its entirety.

Councilwoman Feikes advised this item was discussed at the Traffic Commission with a favorable recommendation to the Council.

Second and final reading of this Ordinance will take place at the March 4, 2024, Council meeting.

Introduction of a Resolution Approving Financing of Two (2) Peterbilt Trucks with Two (2) Equipment Packages Through U.S. Bancorp Government Leasing and Financing, Inc.

Councilwoman Huffman read a Resolution Approving Financing of Two (2) Peterbilt Trucks with Two (2) Equipment Packages Through U.S. Bancorp Government Leasing and Financing, Inc. in its entirety.

Jeff Batchlor, Director of Code Enforcement/MVH, advised the Council the Street Department is currently down three (3) dump trucks, one due to an accident. He reported the frames are broken on the other two (2) trucks.

Motion/Vote – Adopt Resolution R-3-2024

Councilman Franke moved to approve the Resolution as presented; motion seconded by Councilwoman Feikes and unanimously carried.

**RESOLUTION R-3-2024
RESOLUTION APPROVING FINANCING OF TWO (2) PETERBILT
TRUCKS WITH TWO (2) EQUIPMENT PACKAGES
THROUGH U.S. BANCORP GOVERNMENT LEASING
AND FINANCING, INC.**

Introduction of a Resolution to Transfer Funds within the 2024 Budgets

Councilman Buchanan moved to introduce a Resolution; motion seconded by Councilman Galloway and unanimously carried. Councilman Buchanan read a Resolution to Transfer Funds within the 2024 Budgets in its entirety. Courtney Parthun, Clerk-Treasurer, reported there is an emergency repair for a fire pump. She stated as we did not know the exact amount of the bond payment for the new fire truck, the City budgeted more than what was needed, so there are funds available for the transfer.

Motion/Vote – Adopt Resolution R-4-2024

Councilman Buchanan moved to approve the Resolution as presented; motion seconded by Councilman Galloway and unanimously carried.

**RESOLUTION R-4-2024
RESOLUTION TO TRANSFER FUNDS WITHIN THE 2024 BUDGETS**

Other Business

None

Adjourn

Councilman Galloway moved to adjourn; motion seconded by Councilwoman Feikes and unanimously carried.

Approved: _____
Thomas P. Dermody, Mayor

Attest: _____
Courtney Parthun, Clerk-Treasurer

Approved: March 4, 2024