

## **MARCH 4, 2019**

The Common Council of the City of LaPorte met in regular session in the Council Chambers on Monday, March 4, 2019 at 6:00 p.m.

### **Pledge**

Councilwoman Feikes led the Pledge of Allegiance.

Present: Feikes, Cutler, Fettinger, Stabosz and Mrozinske

Absent: Scherer and Cowgill

### **Minutes**

Mayor Krentz stated each Council 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 seconded by Councilwoman Cutler and unanimously carried.

### **Petitions & Comments**

Robert Cichon, 3516 W. Small Court, reported he has spoken to the Council before about the annexation of the property on Fish Trap Lake by Legacy Hills Development as R2A. He stated he is not opposed to the annexation for the property by the City of LaPorte, however, he is opposed to that particular zoning as it will allow for fourteen townhouses which he feels will ruin Fish Trap Lake. Mr. Cichon stated he fishes on Fish Trap Lake and he is a member of the LaPorte PNA Rod-n-Gun Club and in a sense he is a property owner adjacent to the property in question. He reported at the last time he spoke before the Council, he outlined four irregularities that he felt were inconsistent with the rules that the City has. He reported when he was finished talking, Councilman Stabosz asked the City Attorney to make sure all the T's were crossed and I's dotted. He stated the City Attorney did do that in a memo to Councilman Stabosz. Mr. Cichon reported Councilman Stabosz contacted him regarding the memo and provided a summary of the memo. Councilman Stabosz noted the memo was provided to all Council members, not just himself. Mr. Cichon stated all four points were not addressed by the City Attorney to his satisfaction. Mr. Cichon stated he still has questions on whether the adjacent property owners were notified of the proposed annexation and zoning change. He reported Article 5 states land annexed from the County to the City should retain its zoning district and Article 31, Section 01B1, Definitions, the word shall is mandatory. Mr. Cichon reported at the October 1<sup>st</sup> meeting Councilman Stabosz read aloud the Ordinance citing that the zoning will go from R1B to R2A provided that such procedures and review by the Plan Commission be fully satisfied. He stated he reviewed the Plan Commission minutes and he does not find where this was ever brought before the Plan Commission. In the November 10<sup>th</sup> Herald-Argus, the official statement of the Ordinance states the property is zoned R1B and will be annexed as R1B so there would be no need to remonstrate against the proposed annexation as the zoning is not changing unless it would go before the Plan Commission or Board of Zoning Appeals. He reported the January 9, 2019 newspaper was the official publication of the approved Ordinance stating the zoning of

the property is R2A and the requirements of the Plan Commission have been fully satisfied. Mr. Cichon stated during this entire process everything was done by title only. He stated these are the four things that he is still questioning.

Jamie Cummings, 703 A Street, stated it was brought to his attention that at the last Council meeting it was approved for the purchase of property on A Street and to date he has not been contacted by the City. Nick Otis, Attorney for the City, advised Mr. Cummings he believes at the Board of Public Works meeting tomorrow, the Director of Wastewater, will be requesting approval to begin the process so he anticipates someone should be in contact with him in the near future.

Donna McCleery, 135 W. McClung Road, stated they are giving up Hoelocker for a boardwalk. She stated Hoelocker has been opened up for the volleyball people but did anyone come before the Council to ask that it be opened for them to use because the Council vacated it two years ago and now it is being used. She reported somebody on Facebook started a page about Hoelocker Road and as of this morning, 66 people want Hoelocker Road re-opened and 14 want it to stay closed. Ms. McCleery reported she went to the Redevelopment Commission meeting last week and they said they are waiting to see if they get a \$200,000 grant to be used towards parking for the volleyball place. What if they don't get that grant, then who is going to pay for it? She stated we are waiting on the apartments for some type of tax grant, so they don't know for sure if these apartments are going in. Ms. McCleery stated you have 400 cars in there, with buses on the weekend, add another 200 cars from the apartments, what are you going to do with all that traffic. It is time for the Council to take this a little more serious than what they have the past few years and re-open Hoelocker Road. Ms. McCleery stated the roads belong to the people of LaPorte.

Councilman Stabosz stated he believes the Board of Works took formal action to approve the temporary use of Hoelocker Road by Dunes Volleyball. The Mayor stated yes, for special events.

Nick Minich, City Engineer, stated he prepared a brief memo to the Council regarding an update on NewPorte Landing and Hoelocker which he passed out. Mr. Minich stated it is his understanding that the Council has had some conversations about re-opening Hoelocker Road and he wanted to provide some information on where the projects currently stand, investments to the area by the Redevelopment Commission and answer any questions the Council may have. Mr. Minich stated work they anticipate will be completed in 2019 include: NIPSCO's removal of overhead transition lines (to be paid funded and completed by NIPSCO), Clear Lake Boulevard Parking Lot & Trailhead Project, Clear Lake Overlook Project, Dunes Parking and Pedestrian Improvements; West Basin Remediation (for Shore Access Parking Project), Shore Access Parking and Hoelocker Pedestrian Connection. These are made possible with over one million dollars in grant monies received or applied for with the local match either paid for by the Redevelopment Commission or grant monies. Mr. Minich stated temporarily opening Hoelocker Road during the INDOT Overpass Project would cost

approximately \$40,000 which is currently unfunded and he is not convinced that re-opening Hoelocker would improve safety, accessibility or congestion. Mr. Minich reported when the City constructed Clear Lake Boulevard, between Truesdell and Detroit Street, Hoelocker became a redundant road with no significant benefit to the City's street network. He stated by re-opening Hoelocker you would negatively impact those who already recreate along Hoelocker and you could potentially encourage detour traffic to use local streets instead of using the official INDOT detour and you will move traffic closer to Fox Park, which could increase the potential for vehicular/pedestrian conflicts.

Councilman Mrozinske stated since he is the one who drafted the Ordinance he would like to say that it is not to sabotage anything but to explore every alternative and to raise the awareness to the questions we have. Councilman Mrozinske stated he would like to see INDOT's plans on how they plan on handling traffic during the construction. He stated he has concerns with pedestrian traffic during Arts in the Park. Councilman Mrozinske stated Rockwood is going to have a heavy increase in traffic, which is something the City is going to have to look at.

Mr. Minich reported the City has been working with INDOT for the last year and a half on the Overpass Project so there are things that have been incorporated in the project that the City would like to see happen. He reported there are going to be lane restrictions, so there should be a decrease in larger vehicles using the overpass during construction. Mr. Minich advised Maggie Dickerson, Project Manager, is coordinating with INDOT on the project so if you have any questions she should be able to provide you with any information you need.

Councilman Stabosz inquired if Clear Lake Boulevard was designed so that trucks can access the few remaining industries on Linwood and Clear Lake Boulevard. Mr. Minich reported if you notice, the roundabout is much larger than it needs to be. He advised all of NewPorte Landing was designed to accommodate the trucks that currently use the Basso property and the Mill Stone Mills property.

Beth Shrader, Director of Community Development and Planning, stated she agrees with the comments the City Engineer just put forward and she just wanted to give a little global perspective for our vision and to make sure we understand that even a temporary re-opening of Hoelocker would set the City back significantly. Ms. Shrader advised a copy of the 'Big Picture' she will be referring to was included in the packet provided to the Council from the City Engineer. She stated you will see the goal is to have a loop trail all the way around Clear Lake and for it to connect with the Chessie Trail which will extend throughout the community. She reported parking will be accommodated around the trail and eventually along the Truesdell section and we hope to improve parking for Arts in the Park and all the other activities that happen in NewPorte Landing. Ms. Shrader reported this year projects include a boardwalk and a trailhead, which includes parking, a trailhead with a segment that will connect the existing Chessie Trail to Hoelocker. She stated this will provide for a safer pedestrian experience. Ms. Shrader stated if the City would re-open Hoelocker we would put at risk over a million dollars of funding, not to mention the

investment the Redevelopment Commission will be pledging as a local match. She stated this is a process and if the City would decide to rebuild a section of Hoelocker it would need to be engineered, identify how we are going to pay for it, bid and construction would put the completion of the project close to the end of the summer or later which would be near the completion of the overpass project where you are trying to alleviate congestion. Ms. Shrader reported as the City Engineer stated earlier, INDOT has an official diversion for truck traffic, which will be a burden on our local law enforcement, but that is the means to address this, is to ensure that trucks stay where they belong.

Councilman Mrozinske stated he understands grant money, however, do they take into account any extenuating circumstances to where that area is going to be so bottle necked because of the overpass project. Ms. Shrader stated if she felt it were truly going to address the congestion issue, that may be something that we could address with the Healthcare Foundation because they are a local partner, but she does not believe if we advance and are chosen for the Indiana Tourism Development Grant that would be an option and the City would not be able to get it again. She reported the Healthcare Foundation has been a terrific partner with the City, but she does not believe the benefit of re-opening Hoelocker would merit putting these projects off for a year or more. Councilman Mrozinske stated when they start removing debris from the project are those trucks going to be sharing the same roads as regular traffic. Ms. Shrader stated as they will be INDOT contractors they would be required to use the INDOT approved routes for truck traffic if they are over a certain size.

Councilman Mrozinske stated if the Ordinance is presented tonight for its first reading, there would still be two weeks prior to a vote for adoption. He stated he just wants to explore every option available to the City. Ms. Shrader reminded the Council they are available to answer questions and be a resource for them, so any questions the Council may have please contact either herself or Mr. Minich.

Bert Cook, Executive Director of the Greater LaPorte Economic Development Corporation and the Executive Director of the Chamber of Commerce, stated he isn't going to belabor what Mr. Minich and Ms. Shrader have already stated. Mr. Cook stated the Greater LaPorte Economic Development Corporation is the group that this body and the City uses to help bring businesses to our community. He stated when we look at the NewPorte Landing area and everything that has happened, you have new businesses that have already opened and you have new businesses that are preparing to open as well. He reported all of those companies made those decisions based on the infrastructure plans that you see on the maps in front of you and changing that plan at this point would be a big challenge for many of them. Mr. Cook reported often times he stands in front of the Council regarding tax abatement compliance forms and we ask those companies to make good on their promises that they made to our community and in this instance he would urge the Council to stay the course with the infrastructure plan that the City Engineer and City Planner have put in place and continue to embrace the promise that the City made to the businesses in that area.

### **Standing Committee Reports**

**Airport Authority:** Councilman Fettinger reported the next Airport Authority meeting will be held on March 13, 2019 at 5:15 p.m. at the Airport.

**School Board Liaison:** Councilman Mrozinske reported the School Board will be meeting next Monday, March 11, 2019 at 6:00 p.m. at the Educational Services Center.

**Traffic Commission:** Councilwoman Feikes reported the Traffic Commission will meet tomorrow evening, March 5, 2019, at 6:00 p.m. at the Police Department.

**Park & Recreation:** Councilwoman Feikes read the following e-mail she received from Park Superintendent, Mark Schreiber just prior to tonight's meeting:

All:

*I just wanted to report that our "Fort La Play Porte Redesign and Rebuild" Patronicity campaign has raised \$71,240 to eclipse the \$50,000 goal in order to receive a \$50,000 matching grant from the Indiana Housing & Community Development Authority. While the campaign does not end until Friday, with the \$121,240 from the campaign and the previously committed \$65,000 from the Healthcare Foundation of LaPorte and up to \$25,000 from the LaPorte Park Foundation, we are ready to renovate the structure. The community build will take place from June 10<sup>th</sup> to June 15<sup>th</sup>. The campaign received two large anonymous gifts, \$20,000 and \$15,120, but also received smaller donations, such as the funds raised by "Penny Wars" at Riley Elementary School.*

**BID Board:** Councilwoman Cutler reported at the Business Improvement District Board meeting, it was reported that Paul's Construction has completed the repairs on a recently damaged planter. The Long Term Design Plan was discussed and Beth Shrader is working on the RFP that would include a 30% level of design and an engineering estimate. She shared that the BID Board participation would be of value to report on past issues with the current downtown sidewalks, planters, etc. Councilwoman Cutler stated the BID Board will meet next Monday, March 11<sup>th</sup> at 5:00 p.m. in the Council Chambers.

**Historic Preservation Commission:** Councilwoman Cutler reported the Historic Preservation Commission approved participation in the Housing Fair again this year which will occur at the Civic Auditorium on April 13<sup>th</sup> from 10:00 a.m. to 2:00 p.m. The next meeting of the Historic Preservation Commission is on Tuesday, March 19<sup>th</sup> at 5:30 p.m. Councilwoman Cutler advised immediately following the end of the meeting, the Annual Planning Session of the HPC will occur.

**Urban Enterprise Association:** Councilwoman Cutler reported the Urban Enterprise Association approved two Community Enhancement Grants: one for Rusted Knuckles to be used for their Annual Cruise Night in downtown LaPorte on June 8<sup>th</sup> from 6:00 to 8:00 p.m. and the other for the LaPorte County Public Library for their Annual READ LaPorte Inc., which will occur this spring and will possibly include an appearance from BLUE, the Indianapolis Colts mascot. The next Urban Enterprise Association meeting will be held on Wednesday, March 20<sup>th</sup> at 4:00 p.m. at the GLEDC Offices.

### **Tree Commission Report**

Nelson Slusser, President of the LaPorte Tree Commission, gave their annual report to the Council. Some of the high points for 2018 were: 138 trees were removed, trees were pruned on Monroe Street, a Volunteer Day with the community to prune trees on Indiana and Michigan Avenues was held, their Annual Arbor Day giveaway was held at the Civic Auditorium with 700 seedlings distributed, (this year's event will be held at Kesling Park), updated the Tree Commission's information on the City's website and attendance by members at a Tree Inventory & Management Workshop as well as a Tree Ordinance Workshop. Goals for 2019 are to continue maintenance of the City's Urban Forest with approximately 50-60 trees that are currently in the queue to be removed, continue public outreach and education, continue a Tree Planting Program and create a tree inventory with secured funds through a grant. Mr. Slusser thanked the Engineering Department for taking phone calls from homeowners with complaints and concerns, providing inspection sheets and data on trees through a GIS Program and providing tree permits for homeowners with trees on public right-of-way per request. He also thanked the Street Department for their part in removing and/or trimming trees, the City Planner for her help in applying for grants and last but not least the Council and Mayor for their continued support. Mr. Slusser answered questions from the Council. Mayor Krentz thanked Mr. Slusser for attending tonight's meeting and providing the Tree Commission's Annual Report.

### **Public Hearing and Introduction of a Resolution of the Common Council of the City of LaPorte, Indiana, Confirming the Proposed Lease of a New Fire Station for Use by the City, Authorizing and Directing the Executing of the Lease and the Publication of a Notice of its Execution, and Authorizing Other Actions in Connection Therewith**

Councilwoman Cutler moved to read a Resolution; motion seconded by Councilwoman Feikes and unanimously carried. Councilwoman Cutler read a Resolution of the Common Council of the City of LaPorte, Indiana, Confirming the Proposed Lease of a New Fire Station for Use by the City, Authorizing and Directing the Executing of the Lease and the Publication of a Notice of its Execution, and Authorizing Other Actions in Connection Therewith in its entirety.

### **Public Hearing**

As this Resolution requires a public hearing, Mayor Krentz declared the public hearing open and asked if there was anyone present who wished to address the Council regarding this matter. Roger Galloway, Clerk-Treasurer, presented proof of publication for the public hearing.

Andy Snyder, Fire Chief, advised this is the final step for the Council moving forward with the construction of a new fire station at 710 Daytona Street. He advised the LaPorte Fire Station Building Corporation met earlier today and approved a similar Resolution. Councilman Stabosz inquired who the members of the Fire Station Building Corporation are. Chief Snyder advised they have not changed since the inception of the corporation in 2005 and they are John Kaylor, Tony Sindone and Tom Swanson. Councilman Stabosz asked the City Attorney if the 2.3 million is limited only to what the Council has already approved. Mr. Otis stated that is correct. Chief Snyder advised the last time the City did this process, it included two fire trucks as well as the fire station. He reported this time it is only for the fire station. Councilman Mrozinske inquired if the appraisals are going to be for the station as it is or is it going to be for it to be demolished. Chief Snyder advised the appraisals are for the land where the new fire station is going to be built. He stated it is a matter of transferring the property from the City to the Building Corporation for the duration of the lease bonds.

**Motion/Vote – Adopt Resolution R-4-2019**

Councilman Mrozinske moved to adopt the Resolution as presented; motion seconded by Councilman Stabosz.

Mayor Krentz asked if anyone wished to address the Council. As no one came forward, he declared the public hearing closed.

The motion to adopt the Resolution was unanimously carried.

**RESOLUTION R-4-2019**  
**RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF LAPORTE, INDIANA,**  
**CONFIRMING THE PROPOSED LEASE OF A NEW FIRE STATION FOR**  
**USE BY THE CITY, AUTHORIZING AND DIRECTING THE EXECUTING OF THE LEASE**  
**AND THE PUBLICATION OF A NOTICE OF ITS EXECUTION, AND AUTHORIZING OTHER**  
**ACTIONS IN CONNECTION THEREWITH**

**Other Business**

**Introduction of an Ordinance Re-Opening Hoelocker Drive to Through Traffic**

Councilman Mrozinske moved to introduce an Ordinance; motion seconded by Councilman Stabosz and unanimously carried. Councilman Mrozinske read an Ordinance Re-Opening Hoelocker Drive to Through Traffic in its entirety.

Mayor Krentz stated this Ordinance is to re-open Hoelocker Drive to through traffic and asked if there were any questions or comments.

Councilman Mrozinske stated one of the main reasons he brought forth this Ordinance is so that we can bring forth some of the information that is going to take place with this closure. He stated he is pleased that the City was able to supply some of the information tonight however, he would like to review the INDOT report to see what they are looking at and

maybe this is not the answer. Councilman Mrozinske stated he is not certain yet until he reviews all the information, but this gives us some time. He stated he is not saying this needs to be done at the next meeting, it can always be tabled, but it gives us an alternative.

Councilman Stabosz stated he seconded the motion for introduction because he thought it was worth discussing. He stated it gives the Council an opportunity to take a stand the second time on an issue that has been brought forth to us and test the support of the Council for the Plan as it has been propounded by the officials of the administration. Councilman Stabosz stated he appreciates and has compassion for those who are affected by a notion of the way things are and have always been, and he would never minimize that for those who would like to go around the lakes. That having been said, we also have to be willing to change when it is for the best of LaPorte and he thinks the Planning Department and the administration has thought long and hard and has a lot of detail in a Plan that is going to set our future in a good direction. Councilman Stabosz stated he thinks the Plan is a good one and the City needs to move forward with the Plan as it has been laid out.

Second and final reading of this Ordinance will take place at the next regular Council meeting.

Councilman Fettinger thanked Chief Snyder and the Fire Department for the check he received in the mail from his insurance company. He reported City's ISO Rating was lowered which in turn benefits every home and business owner in the City.

### **Adjourn**

There being no further business, Councilwoman Feikes moved to adjourn; motion seconded by Councilwoman Cutler and unanimously carried.

**Approved:** \_\_\_\_\_  
**Mark A. Krentz, Mayor**

**Attest:** \_\_\_\_\_  
**Roger A. Galloway, Clerk-Treasurer**

**Approved: March 18, 2019**