**December 19, 2022**

The Common Council of the City of La Porte met in regular session Monday, December 19, 2022, at 6:00 P.M. in Council Chambers.

**Pledge**

Councilwoman West led the Pledge of Allegiance.

**Present** Cutler, Franke, Feikes, Galloway, Konieczny, West

**Absent** Vincent

**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 seconded by Councilwoman West and unanimously carried.

**Petitions and Comments of Citizens**

Brett Binversie, City of La Porte Events Director, welcomed Santa Claus to the City Council meeting. Brett Binversie noted Santa led the Santa Parade this year and invited Santa to speak. Santa spoke about all the events he has been able to attend in La Porte such as the Christmas Kindle Mart, Pioneer Land in addition to the Santa Parade and wished everyone a Very Merry Christmas.

**Standing Committee Reports**

**Redevelopment Commission:** Councilman Franke reported the Redevelopment Commission met on Wednesday, December 14, 2022, unanimously passing a Resolution regarding the Pine Lake Development, LLC.

**Park Board:** Councilwoman Feikes reported Park Board will meet Wednesday, December 21, 2022, at the Park Office at 4:00 P.M.

**Police Merit Commission:** Councilman Galloway reported Police Merit Commission met Tuesday, December 13, 2022, at 2:00 P.M. at the Police Station. There are five applicants for the La Porte Police Department and there are four positions available.

**Urban Enterprise Association:** Councilwoman Cutler reported there is no Urban Enterprise Association Board meeting in the month of December.

**Historic Preservation Commission:** Councilwoman Konieczny reported the Historic Preservation Commission will meet Tuesday, December 20, 2022, at 5:30 P.M. in Council Chambers.

**Airport Authority:** Councilwoman Konieczny reported the next Airport Authority Meeting will take place on January 11, 2023, at 5:00 P.M. at the Airport.

**Second and Final Reading of an Ordinance to Designate an Economic Development Target Area (EDTA)**

**Re: 1251 Pine Lake Avenue, La Porte Indiana 46350**

**Tax Parcel Number: 46-06-27-227-226-006.000.043**

**Pine Lake Redevelopment, LLC, Petitioner**

Councilman Franke moved to read an Ordinance for the second and final time by title only; motion seconded by Councilwoman Cutler and unanimously carried. Councilman Franke read an Ordinance to Designate an Economic Development Target Area (EDTA).

Mayor Dermody requested Bert Cook to speak on the Ordinance. Executive Director of the La Porte Economic Advancement Partnership Bert Cook spoke about the proposed Ordinance for clarity. Mr. Cook stated this will be a three-step process that starts with this Ordinance. The Redevelopment Commission met on Wednesday, December 14, 2022, and unanimously passed a Resolution in favor of a recommendation for the Council’s consideration of the Ordinance. Mr. Cook noted this parcel is located at 1251 Pine Lake Avenue and by setting up this Target Area, it allows us to use Tax Abatement or Economic Development Incentives for development in that parcel. The intention, if approved, is to then present a resolution for tax abatement for this project that would not otherwise be possible without this incentive. Mr. Cook stated if the decision is to move forward with the Ordinance, the intended project will then be disclosed. Mr. Cook noted he received several questions since last council meeting that he would like to address, the first being from Councilwoman Cutler regarding the criteria a parcel must meet to be eligible to become an Economic Development Target Area. Mr. Cook explained there are three criteria, and the property must meet one of the requirements.

Councilman Galloway asked when Council has approved tax abatements for restaurants in the past. Mr. Cook noted this is real property with the construction of a new building and it is a destination type development unique to the area. Mr. Cook noted while a restaurant being unique is subjective, there is a distinct difference between a typical restaurant and this development, including a six-million-dollar capital investment.

Mayor Dermody noted the creative incentives approved by City Council for independent restaurants such as Bare Bones and Bon Viet in addition to franchise restaurants that have come to our area.

Councilwoman Cutler noted one of the positive things about this project is that it is not just a restaurant, it is a seven thousand square foot tourist destination that is next to our lakes and is unique and not just a place to get a meal at night.

Councilwoman Konieczny stated she can appreciate the fact that we’re using the words “tourist destination” but many locals will also certainly appreciate and enjoy what is to come if the development comes to fruition, Councilwoman Konieczny being one of them.

City Attorney Jim Kaminski stated other hospitality-related abatements would have to go through this process where you’d receive advance notice of a particular part of the geography of the city where a proposed abatement would occur. It doesn’t happen often, and the statute only allows it in a small percentage of the overall geography of the city. It is not something that could just happen repeatedly in multiple locations because of the statute restricting the amount of geography you can use for a hospitality-like abatement.

**Motion to Vote/Approve**

Councilman Franke made a motion to approve an Ordinance to Designate an Economic Development Target Area (EDTA) Re: 1251 Pine Lake Avenue, La Porte Indiana 46350 Tax Parcel Number: 46-06-27-227-226-006.000.043

Pine Lake Redevelopment, LLC, Petitioner; motion seconded by Councilwoman Feikes and passed with a 5-1 vote.

**ORDINANCE NO. 33-2022**

**ORDINANCE TO DESIGNATE AN ECONOMIC DEVELOPMENT TARGET AREA (EDTA) RE: 1251 PINE LAKE AVENUE, LA PORTE, INDIANA 46350 TAX PARCEL NUMBER: 46-06-27-227-226-006.000.043 PINE LAKE REDEVELOPMENT, LLC PETITIONER**

**Introduction of an Ordinance of the Common Council of the City of La Porte, Indiana, Annexing to and Bringing Within the City Limits of La Porte, Indiana, and Amending the Zoning Ordinance for Property Located in Pleasant Township, Contiguous Herewith**

**Name of Petition: Pine Lake North**

**Common Address:**

1. **Midwest Like-Kind Exchange, Inc. – Pine Lake and Severs Road, La Porte, Indiana – Parcel ID: 46-06-22-402-008.000-042**
2. **Pine Lake Cemetery – Cemetery and Vacant Land, Severs Road, LaPorte, Indiana – Parcel IDs: 460622426002000042 and 4606222000042**
3. **Edward and Carole Loniewski – 2557 N Hwy 35 La Porte, IN 46350 – Parcel ID: 46622200018000042**

Councilwoman Konieczny moved to read an Ordinance for the first time in its entirety; motion seconded by Councilwoman Cutler and unanimously carried. Councilwoman Konieczny read an Ordinance of the Common Council of the City of La Porte, Indiana, Annexing to and Bringing Within the City Limits of La Porte, Indiana, and Amending the Zoning Ordinance for Property Located in Pleasant Township, Contiguous Herewith

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2. Pine Lake Cemetery – Cemetery and Vacant Land, Severs Road, LaPorte, Indiana – Parcel IDs: 460622426002000042 and 4606222000042
3. Edward and Carole Loniewski – 2557 N Hwy 35 La Porte, IN 46350 – Parcel ID: 46622200018000042 in its entirety.

Community Development and Planning Director, Craig Phillips asked Council to amend the title of the Ordinance; it is located in Center Township, not Pleasant Township. Mr. Phillips stated the petition includes signatures from three separate property owners: Midwest Like-Kind Exchange, Inc., Pine Lake Cemetery and Edward and Carole Loniewski. The four parcels involved are roughly thirteen and a half contiguous, meeting the aggregate continuity requirement. A map that depicts what this annexation will look like is in the fiscal plan documents provided in the council packet. This is a One Hundred percent voluntary annexation, meaning the owners of all parcels involved have signed the petition.

**Motion to Vote/Approve**

Councilwoman Konieczny made a motion to approve the Amendment to the Ordinance to read Center Township instead of Pleasant Township; motion seconded Councilwoman Feikes and unanimously carried.

**Introduction of a Resolution Adopting a Definitive Policy and Written Fiscal Plan for Pine Lake North Annexation**

Councilwoman West moved to introduce a Resolution Adopting a Definitive Policy and Written Fiscal Plan for Pine Lake North Annexation for the first and only time in its entirety; motion seconded by Councilwoman Cutler and unanimously carried. Councilwoman West read a Resolution Adopting a Definitive Policy and Written Fiscal Plan for Pine Lake North Annexation in its entirety.

**Motion to Vote/Approve**

Councilman Franke made a motion to amend the Resolution to read Pine Lake North Annexation which will replace Rhoda Farms;

Attorney Jim Kaminski recommended to hold the final vote of the Resolution until the ordinance is considered at the next meeting.

**Motion to Vote/Approve**

Councilwoman Konieczny made a motion to table the Resolution Adopting a Definitive Policy and Written Fiscal Plan for Pine Lake North Annexation until the next meeting; motion seconded Councilwoman Feikes and unanimously carried.

**Public Hearing Pine Lake North Annexation**

Mayor Dermody opened a Public Hearing for Pine Lake North Annexation Ordinance. Attorney Jim Kaminski stated this was advertised in the Herald Dispatch on November 26. 2022 noting a Public Hearing for the filing of the petition and the adoption of the Annexation Ordinance was advertised at that time. The publication did include, according to Attorney Jim Kaminski, Center Township.

Mayor Dermody opened public comment. As there were none, Mayor Dermody closed the Public Hearing and noted the Ordinance would be read a second time at the January 3, 2023 meeting.

**Introduction of an Ordinance of the Common Council of the City of LaPorte, Indiana, Annexing to and Bringing Within the City Limits of La Porte, Indiana, and Amending the Zoning Ordinance for Property Located in Pleasant Township, Contiguous Herewith**

**Name of Petition: Hester J.W. Muller Revocable Trust**

**Common Address: Vacant Land – Park Street**

 **Parcel ID: 46-06-25-126-006.000-042 & 46-06-25-151-015.000-042**

Councilwoman Cutler made a motion to read an Ordinance of the Common Council of the City of LaPorte, Indiana, Annexing to and Bringing Within the City Limits of La Porte, Indiana, and Amending the Zoning Ordinance for Property Located in Pleasant Township, Contiguous Herewith

Name of Petition: Hester J.W. Muller Revocable Trust

Common Address: Vacant Land – Park Street

Parcel ID: 46-06-25-126-006.000-042 & 46-06-25-151-015.000-042 for the first time in its entirety; motion seconded by Councilwoman Feikes and unanimously carried. Councilwoman Cutler read an Ordinance of the Common Council of the City of LaPorte, Indiana, Annexing to and Bringing Within the City Limits of La Porte, Indiana, and Amending the Zoning Ordinance for Property Located in Pleasant Township, Contiguous Herewith

Name of Petition: Hester J.W. Muller Revocable Trust

Common Address: Vacant Land – Park Street

Parcel ID: 46-06-25-126-006.000-042 & 46-06-25-151-015.000-042 in its entirety.

Community Development and Planning Director, Craig Phillips asked Council to amend the title of the Ordinance; it is located in Center Township, not Pleasant Township. Mr. Phillips stated the petition was received by Hester J.W. Muller Revocable Trust and consists of two parcels adjacent to city limits that are approximately thirty percent contiguous to city limits. A map that depicts what this annexation will look like is in the fiscal plan documents provided in the council packet. This is a One Hundred percent voluntary annexation, meaning the owners of all parcels involved have signed the petition.

**Motion to Vote/Approve**

Councilman Franke made a motion to approve Amendment to the Ordinance to read Center Township instead of Pleasant Township; motion seconded Councilwoman Feikes and unanimously carried.

Mayor Dermody noted this is the triangle along Park Street that is next to Jaegar Unitek.

**Public Hearing Hester J.W. Muller Revocable Trust Annexation**

Mayor Dermody opened a Public Hearing for Hester J.W. Muller Revocable Trust Annexation Ordinance. Attorney Jim Kaminski stated this was advertised in the Herald Dispatch on November 26. 2022 noting a Public Hearing for the filing of the petition and the adoption of the Annexation Ordinance was advertised at that time. The publication again did include, according to Attorney Jim Kaminski, Center Township.

Mayor Dermody opened public comment. As there were none, Mayor Dermody closed the Public Hearing and noted the Ordinance would be read a second time at the January 3, 2023 meeting.

**Introduction of a Resolution Adopting a Definitive Policy and Written Fiscal Plan for Hester J.W. Muller Revocable Trust**

Councilwoman Feikes moved to introduce a Resolution Adopting a Definitive Policy and Written Fiscal Plan Hester J.W. Muller Revocable Trust Annexation for the first and only time in its entirety; motion seconded by Councilwoman Cutler and unanimously carried. Councilwoman Feikes read a Resolution Adopting a Definitive Policy and Written Fiscal Plan for Hester J.W. Muller Revocable Trust Annexation in its entirety.

**Motion to Vote/Approve**

Councilman Franke made a motion to amend the Resolution to read Hester J.W. Muller Revocable Trust Annexation which will replace Rhoda Farms; motion seconded by Councilwoman Feikes and unanimously carried.

Attorney Jim Kaminski recommended to hold the final vote of the Resolution until the ordinance is considered at the next meeting.

**Motion to Vote/Approve**

Councilwoman Konieczny made a motion to table the Resolution Adopting a Definitive Policy and Written Fiscal Plan for Hester J.W. Muller Revocable Trust Annexation until the next meeting; motion seconded Councilwoman West and unanimously carried.

**Introduction of a Resolution Approving Use of a Tax Abatement on Real Property Taxes Created by the Purchase of Commercially Zoned Property in an Economic Development Target Area**

Councilman Franke made a motion to read a Resolution for the first time in its entirety; motion seconded by Councilwoman Feikes and unanimously carried. Councilman Franke read a Resolution Approving Use of a Tax Abatement on Real Property Taxes Created by the Purchase of Commercially Zoned Property in an Economic Development Target Area in its entirety.

**Motion to Vote/Approve**

Councilman Franke made a motion to amend the Resolution to read ten years which will replace five years; motion seconded by Councilwoman Feikes and unanimously carried.

Executive Director of the La Porte Economic Advancement Partnership Bert Cook spoke about the proposed Resolution. Pine Lake Development intends to build a 7,100 square foot restaurant which is a four-million-dollar capital investment along with two million dollars’ worth of equipment that will be housed in this building. This is without a doubt a destination location; a restaurant that will attract people from all across the region. The owner has been working with the city for six years on this project. There have been many offers on the property (the former Thunderbird Bowling Alley property) and the owners have worked with the city to come up with a concept that makes sense for the owners and our community. Tony Oss is the Project Manager from Larson Danielson Construction who can tell Council about the specifics of the construction. Tony Oss spoke to the design of the project and the necessity to take advantage of the unique location and some of the amenities that the location next to Pine Lake has to offer. This project recently went through site review and Larson-Danielson was able to work with Department Heads on some of the concerns they had regarding the construction of the project.

**Motion to Vote/Approve**

Councilman Galloway made a motion to approve a Resolution Approving Use of a Tax Abatement on Real Property Taxes Created by the Purchase of Commercially Zoned Property in an Economic Development Target Area; motion seconded by Councilwoman Feikes and unanimously carried.

**RESOLUTION NO. R-33-2022**

**RESOLUTION APPROVING USE OF A TAX ABATEMENT ON REAL PROPERTY TAXES CREATED BY THE PURCHASE OF COMMERCIALLY ZONED PROPERTY IN AN ECONOMIC DEVELOPMENT TARGET AREA**

**Introduction of a Resolution to Transfer Funds Within the 2022 Budget**

Councilman Galloway moved to read a Resolution for the first and only time in its entirety; motion seconded by Councilwoman Feikes and unanimously carried. Councilman Galloway read a Resolution to Transfer Funds Within the 2022 Budget in its entirety.

**Motion to Vote/Approve**

Councilwoman Feikes made a motion to approve a Resolution to Transfer Funds Within the 2022 Budget; motion seconded by Councilwoman West and unanimously carried.

Clerk-Treasurer Parthun stated there was room in salaries this year because we paid a portion of Police and Fire salaries from ARP fund and were able to move Police and Fire salaries from the general to operating to help pay for the cost of gas as it increased exponentially this year. Additionally, transfers we try to do every year include moving everything we can to Local Road and Streets to encumber funds for salt. Clerk-Treasurer Parthun noted these transfers were in anticipation of the upcoming Encumbrance Resolution.

**RESOLUTION NO. R-34-2022**

**RESOLUTION TO TRANSFER FUNDS WITHIN THE 2022 BUDGET**

**Introduction of a Resolution to Encumber Funds from the 2022 Budget**

Councilwoman Konieczny moved to read a Resolution for the first and only time in its entirety; motion seconded by Councilwoman Feikes and unanimously carried. Councilman Galloway read a Resolution to Transfer Funds Within the 2022 Budget in its entirety.

**Motion to Vote/Approve**

Councilwoman Feikes made a motion to approve a Resolution to Encumber Funds from the 2022 Budget; motion seconded by Councilwoman West and unanimously carried.

**RESOLUTION NO. R-35-2022**

**RESOLUTION TO ENCUMBER FUNDS FROM THE 2022 BUDGET**

Mayor Dermody announced the Salvation Army Ring-Off competition between City of La Porte and Michigan City is December 2, 2022 at Kroger all day. There is an anonymous donor who will match the donations City of La Porte collects up to the first five thousand and there is a QR Code so you do not need cash to donate.

Mayor Dermody announced the impending weather report. Be prepared for a reported thirty-three inches of snow.

Mayor Dermody wished everyone a Merry Christmas.

Councilman Franke reminded the public on even days to park on the even address sides of the road. On odd days, park on the odd side.

 **Fire Station Building Corporation Council Appointment: Three-Year Terms for Three Appointments**

Councilwoman West made a motion to take off the table the Fire Station Building Corporation Council Appointments: Three-Year Terms for Three appointments; motion seconded by Councilwoman Cutler and unanimously carried.

**Motion to Vote/Approve**

Councilwoman West made a motion to approve to reappoint Tony Sindone and John Kaylor to the Fire Station Building Corporation; motion seconded by Councilwoman Cutler and unanimously carried.

**Adjourn**

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

**Approve: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

 **Thomas P. Dermody, Mayor**

**Attest: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

 **Courtney Parthun, Clerk-Treasurer**

**Approved: January 3, 2023**