

June 20, 2023

The Common Council of the City of La Porte met in regular session Monday, June 20, 2023, at 6:00 P.M. in Council Chambers.

Pledge of Allegiance

Charity Hlvasa led the Pledge of Allegiance.

Present: Galloway, West, Konieczny, Feikes, Cutler

Absent: Vincent, Franke

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 seconded by Councilwoman Cutler and unanimously carried.

Petitions and Comments of Citizens

George Callas, Tornado Drive, addressed the Council regarding all the vacant nontaxable properties in La Porte that are owned by the City. He would also like to see TransPorte run a little later on summer nights when events are happening around town. City Attorney Nick Otis stated on the agenda for tonight is a real estate purchase agreement. The City does not like to see empty lots sitting and a lot of these lots are acquired because no one purchases them through tax sales.

Brian Kajer, 406 Niesen Street, stated about seven years ago he came before the Council regarding cleaning up the City and his support of that effort. He stated he is not in favor of burdening the average hard-working resident with fines that they cannot afford. He stated about 58% of the properties in La Porte are rental properties and most of those folks live paycheck to paycheck. Mr. Kajer asked who owns the alleys in the City. Mayor Dermody stated the City does not own the alleys. Mr. Kajer asked if Code Enforcement could take a step back and look at the situation and decide whether the trailer or whatever is parked in a reasonable area or if it is haphazardly parked. At the least, Code Enforcement should be issuing warning tickets before a fine is issued so the resident has time to fix the situation or talk to someone in Code Enforcement to get it straightened out. Mayor Dermody stated the \$100 fine comes after trying to reach out with Code Enforcement to deal with the situation. The Mayor stated as far as weeds in the alleys, that is on him. He stated especially downtown as we need to show we have pride in our downtown. Mayor Dermody stated he knows for a fact that Code Enforcement works with the elderly in helping them get their grass

cut and weeds taken care of. He stated he would like the names of the people who reached out to Mr. Kajer so that it can be looked into.

Rick Ogle, 1902 Indiana Avenue, inquired how many signs are allowed to be in the tree lawn? He stated if there is an Ordinance that prohibits signs in the tree lawn then it needs to be enforced. He stated advertising signs do not belong in the tree lawn as we are trying to make our City look pretty and having signs in the tree lawn doesn't accomplish that goal. Nick Otis, City Attorney, stated there is an Ordinance that prohibits placing signs in the tree lawn. Mayor Dermody stated Mr. Ogle is correct and the City will address it.

Standing Committee Reports

Park Board: Councilwoman Feikes reported the Park Board will meet June 21, 2023, at 4:00 P.M. at the Park Office.

Traffic Commission: Councilwoman Feikes reported because of the 4th of July holiday the July Traffic Commission meeting will be held on Tuesday, July 11th, 5:00 P.M. at the Police Station.

Mayors Veterans Committee:

Councilman Galloway reported the Mayors Veterans Committee had their annual brick ceremony on Memorial Day weekend. The ceremony went very well. Mr. Galloway noted the bricks are \$25 and it's a great way to memorialize those that have fought for our freedoms. Mr. Galloway thanked Mayor Dermody for speaking at the event.

Police Merit Commission: Councilman Galloway reported the Police Merit Commission will meet on Tuesday, June 13, 2023, at 2:00 P.M. at the Police Station. They will be discussing the possibility of a new shooting range.

Fire Merit Commission: Councilwoman West reported the next Fire Merit Commission met Wednesday, June 7, 2023, at 6:30 P.M. at Fire Station No. 1. Chief Snyder reported the new hires are continuing to do well in the academy. Three have passed their EMT tests and the fourth is scheduling his retest. The graduation date for academy is August 18, 2023. Chief Snyder presented the Merit Commission with the test scores from the promotional testing. They certified the scores and agreed to post them at the stations on Thursday June 8, 2023. The Commission also set a test review date of Monday, June 26, 2023, at 1:00 P.M. for any firefighter who tested and would like to review their results. Chief Snyder also reported a recent lake rescue in which two individuals were on a jet ski and the motor malfunctioned. The jet ski began taking on water and capsized. The department was

dispatched by a call to the station by someone on shore observing the individuals in the water and in distress. They were especially concerned because the sun had set, and it was getting dark. The rescue boat responded to the scene and was able to rescue both individuals as well as tow the jet ski to the Waverly Road Boat Launch. Luckily the individuals did not need medical attention, however they did indicate they were tired, cold, and scared.

Airport Authority: Councilwoman Konieczny reported the Airport Authority met on Wednesday, June 14, at 5:15 P.M. at the airport. Dr. Powers signed a lease agreement with the Airport and will begin conducting flight physicals beginning in July. Aviation Camp just wrapped up last week and was wildly successful. There were sixty total participants. This year's activities included a flight with a local pilot, time on the airport's FAA-Certified flight simulator, speakers, learning to fly drones, and experiment on the La Porte County Public Library's Mobile Classroom and constructing vans toolboxes. The high school campers ended their week with a trip to the Museum of Science and Industry and the Middle School campers took a field trip to Grissom Airport. The next meeting will take place Wednesday, July 12, 2023, at 5:15 P.M. at the airport.

Historic Preservation Commission: Councilwoman Konieczny reported the Historic Preservation Commission will meet on June 21, 2023, in Council Chambers.

Urban Enterprise Association: Councilwoman Cutler reported the Urban Enterprise Association will meet on Wednesday, June 21, 2023, at 4:00 P.M. at the LEAP office.

Business Improvement District: Councilman Cutler reported the Business Improvement District will meet on Monday, July 10, 2023, at 5:00 P.M. at City Hall.

The Alcohol Beverage Review Commission: Councilman Cutler reported the Alcohol Beverage Review Commission will meet Thursday, June 29, 2023, at 2:00 P.M. at City Hall to review a new application.

Second and Final Reading of An Ordinance Establishing a Three-Way Stop at Newporte Blvd. and North Madison

Councilwoman West moved to read an Ordinance for the second time by title only; motion was seconded by Councilwoman Cutler and unanimously carried. Councilwoman West read an Ordinance Establishing a Three-Way Stop at Newporte Blvd. and North Madison by title only.

Motion/Vote – Adopt Ordinance 18-2023

Councilwoman Feikes moved to Adopt An Ordinance Establishing a Three-Way Stop at Newporte Blvd. and North Madison; motion was seconded by Councilwoman West and unanimously carried.

**ORDINANCE NO. 18-2023
AN ORDINANCE ESTABLISHING A THREE-WAY STOP AT NEWPORTE
BLVD. AND NORTH MADISION**

**Second and Final Reading of An Ordinance Establishing a Fifteen (15)
Minute Parking Space at Lincolnway and Monroe Street**

Councilman Galloway moved to read an Ordinance for the second time by title only; motion was seconded by Councilwoman Feikes and unanimously carried. Councilman Galloway read An Ordinance Establishing a Fifteen (15) Minute Parking Space at Lincolnway and Monroe Street by title only.

Motion/Vote – Adopt Ordinance 19-2023

Councilman Konieczny moved to adopt An Ordinance Establishing a Fifteen (15) Minute Parking Space at Lincolnway and Monroe Street; motion was seconded by Councilwoman Cutler and unanimously carried.

**ORDINANCE NO. 19-2023
AN ORDINANCE ESTABLISHING A FIFTEEN (15) MINUTE PARKING SPACE
AT LINCOLNWAY AND MONROE STREET**

Real Estate Purchase Agreement Between City of La Porte and LPFH, LLC

Councilwoman Konieczny moved to read a Real Estate Purchase Agreement Between City of La Porte and LPFH, LLC in part; motion was seconded by Councilwoman Cutler and unanimously carried. Councilwoman Konieczny read a Real Estate Purchase Agreement Between City of La Porte and LPFH, LLC in its entirety.

Motion/Vote – Real Estate Purchase Agreement

Councilman Feikes moved to accept the Real Estate Purchase Agreement Between City of La Porte and LPFH, LLC; motion was seconded by Councilwoman Cutler.

Bert Cook, Executive Director of La Porte Economic Advancement Partnership, stated this purchase agreement is located at 910 State Street, which was Fire Station property. He stated the building needs significant investment and the City has a party that is willing to put in that investment. He reported Dudley Byler who purchased and renovated the blue building at the corner of Lincolnway and Monroe where Downtown Delights is located. Mr. Cook stated because of the value of the property this needs to be approved by the Council and the Board of Public Works and Safety. He reported the agreement contains a buy-back provision which is something the City has been doing with any properties the City is selling in the situation

where the purchaser does not complete the project or start the project in a two-year period. Mr. Cook reported Mr. Byler intends to do kind of a combination of co-working space and some flexible space on the first floor that could serve for a restaurant or an entertainment venue and then there's a number of exterior recreational opportunities that he hopes to take advantage of on the property. Councilwoman Konieczny asked how the purchase price was derived. Mr. Cook reported any property the City is selling has to have two independent appraisals and the minimum bid has to meet the average of those two appraisals.

The motion to accept the Real Estate Purchase Agreement was passed by a unanimous vote.

Introduction of a Resolution Approving Use of a Tax Abatement on Real Property Taxes Created By The Redevelopment and Expansion of Industrial Zoned Property For NIPSCO Regional Training Center

Councilwoman Cutler moved to read a Resolution for the first and only time in its entirety; motion was seconded by Councilwoman Feikes and unanimously carried. Councilwoman Cutler read a Resolution Approving Use of a Tax Abatement on Real Property Taxes Created By The Redevelopment and Expansion of Industrial Zoned Property For NIPSCO Regional Training Center in its entirety.

Motion/Vote – Adopt Resolution R-15-2023

Councilwoman Feikes made a motion to adopt a Resolution Approving Use of a Tax Abatement on Real Property Taxes Created By The Redevelopment and Expansion of Industrial Zoned Property for NIPSCO Regional Training Center; motion was seconded by Councilwoman Cutler.

Bert Cook addressed the Council regarding this Resolution. He stated it makes their jobs much easier when they know what types of projects the Mayor and Council want to see in our community. He reported one of those type of projects has been on bringing training opportunities to our community that better the lives of those that go through those programs and this project absolutely fits that mold. Mr. Cook reported NIPSCO has a training facility on Zigler Road, and they are going to make an investment in one of their facilities throughout this area and we wanted to make sure that La Porte is the location for that expansion. The expansion is going to be about 17,000 square feet of new space with an investment of fifteen (15) million dollars and a secondary project for another five (5) million dollars which at this time they have not scheduled a timeframe for. If the Council approves this Resolution NIPSCO would like to start as early as August with a completion date of January 2025. Mayor Dermody stated we love that their investment is here in the City of La Porte and hope everyone recognizes how much NIPSCO does in our community especially for those in need, low income and they are always a partner when something does happen like a storm, and they are quick to respond. Tonya Stanley, Director

of Real Estate Services for Nysource, which is the parent company for NIPSCO. She stated they are excited to be here and to expand this facility to enhance the capability of their training facility, which has aged and needs some great updates to help with their safety training, which is their number one priority for the company. Denise Conlon, Public Affairs Economic Development with NIPSCO, stated they look to La Porte as a great partner in our community with a lot of support and positive interactions. She stated a lot of hard work goes into relationship building and the things we do together, and they are hoping to continue down that path. Ms. Conlon stated while their folks are training, they're looking at La Porte as maybe a place to live and seeing the movement forward by the City is another bonus.

The motion to adopt the Resolution was approved by a unanimous vote.

RESOLUTION NO. R-15-2023
A RESOLUTION APPROVING USE OF TAX ABATEMENT ON REAL PROPERTY TAXES CREATED BY THE REDEVELOPMENT AND EXPANSION OF INDUSTRIAL ZONED PROPERTY FOR NIPSCO REGIONAL TRAINING CENTER

Introduction of a Resolution to Transfer Funds Within The 2023 Budgets

Councilwoman Feikes made a motion to read a Resolution for the first and only time in its entirety; motion was seconded by Councilwoman Cutler and unanimously carried. Councilwoman Feikes read a Resolution to Transfer Funds Within The 2023 Budgets in its entirety.

Courtney Parthun, Clerk-Treasurer, reported the State Board of Accounts requires the City to separate MVH and MVH Restricted, however, the State Department of Local Government Finance requires just one budget for both. Because of this we have to transfer from MVH to MVH Restricted for expenses throughout the year.

Motion/Vote – Adopt R-16-2023

Councilwoman Feikes made a motion to adopt a Resolution to Transfer Funds Within The 2023 Budgets; motion was seconded by Councilwoman West and unanimously carried.

RESOLUTION NO. R-16-2023
A RESOLUTION TO TRANSFER FUNDS WITH THE 2023 BUDGETS

Other Business:

Mayor Dermody gave an update on 39 North as this will be the last time before the June 30th deadline. As the Council is aware, the 39 North Board through their attorney asked for all the names of those individuals who signed in support of the annexation, by a public records request and within hours those names were released on social media to be shamed. He said that by itself is embarrassing but when you look through City history and read about a couple of items, particularly back in the 70's the possible donation of property for Beechwood that was denied by the Council and later a Gaming Bill for the casino which was going to happen, however, the City Council did not support the casino and we get very little as revenue compared to the communities that did support it. Mayor Dermody stated he believes the 39 North Board is going to be held to the same standard of those decisions that were made that will haunt us in the future. The Mayor stated when you look at, we are providing for homestead owners, lower property taxes, lower water bills, lower sewer bills paying for a system by all accounts that is unacceptable, but to show a true partner and lastly to pay for an appropriate upgrade to the system so development can happen, and homeowners and businesses can feel safe. He stated it is clear that this Council, department heads and the City of La Porte is the only group that cares about the future of those residents and their safety. Mayor Dermody stated when you look at what little the 39 North Board president has done despite the phone calls to meet and talk about this and work together the only thing, they will be remembered for is turning their back on their residents and walking away when the opportunity to help them be safe and allow for future development was ignored. He stated we have been working for three years and signed a memorandum of understanding and together we will find a way how the current system can be paid for and given to residents but if you don't sign it by June 30th we've been at this long enough let's let the 39 North Board pay for it and the only way they're going to be able to do that is to bond for it and put in on the backs of residents so I appreciate everybody here and their support. Again, remember this, they are the ones that have turned their backs on the residents and businesses to move this area forward.

The City Attorney stated in response to the 39 North Board's attorney's press release that was in the newspaper and other websites is somewhat misleading. Mr. Otis stated there is no requirement, as the letter was written, suggesting the City has to initiate some sort of legal proceeding to finalize the annexation and this is not accurate. The only way the City would end up in any sort of legal proceedings is if there is a significant percentage of remonstrators. He reported there is a requirement that this gets filed with various government entities. Mr. Otis reported the current agreement with 39 North ends in 2025, there is not a two-year cooling off period as their attorney suggested.

Mayor Dermody said why now? Because there are infrastructure dollars available to make the major improvements to that area.

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: July 5, 2023