

July 15, 2024

The Common Council of the City of La Porte met in regular session Monday, July 15, 2024, at 6:00 p.m. in Council Chambers.

Pledge of Allegiance

Councilwoman Konieczny led the Pledge of Allegiance.

Roll Call:

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

Absent: None

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

Petitions and Comments of Citizens

Dean White, 3066 N. Highway 35 – presented Council with a donation of complimentary accommodation at Etropal's Interlude Suite for Rebecca Harrell, Sam Elliott and Katherine Ross from the movie Prancer.

Standing Committee Reports

Redevelopment Commission:

Councilman Franke reported the Redevelopment Commission will meet July 31, 2024, at 5:00 P.M. in Council Chambers.

Sustainability Commission:

Councilwoman Huffman reported the Sustainability Commission will meet tomorrow, July 2, 2024, at 4:00 P.M. in Council Chambers.

Park Board:

Councilwoman Feikes reported the next Park Board meeting will be held on Wednesday, July 17, 2024, at 4:00 p.m. at the Park Office.

Traffic Commission:

Councilwoman Feikes reported the next Traffic Commission meeting will be held August 6, 2024, at 5:00 p.m. at the Police Station.

Police Merit Commission:

Councilman Galloway reported the Police Merit Commission met on July 10, 2024 and discussed the need for more officers.

Historic Preservation Commission:

Councilman Buchanan reported the Historic Preservation Commission will meet July 16, 2024, at 5:30 P.M. in Council Chambers

Plan Commission:

Councilman Buchanan reported Plan Commission met July 9, 2024, and an amendment to the Zoning Ordinance concerning smoke, vape and tobacco shops was considered and approved a favorable recommendation back to City Council. In addition, Councilman Buchanan reported a petition on behalf of Steiner Homes was presented for a plat of a residential subdivision on 18th Street known as Bailey Park. Councilman Buchanan reported the petition was approved.

La Porte Community School Board:

Councilman Buchanan reported the La Porte Community School Board of Trustees announced the hiring of Dr. Sandra Wood as the new Superintendent noting City of La Porte welcomes her.

Airport Authority:

Councilwoman Konieczny reported the Airport Authority and the La Porte Municipal Airport will be hosting a press release July 18, 2024, at 9:00 A.M. featuring the Pulse Point App.

Public Hearing and Introduction of an Ordinance Vacating a Portion of a Public Alley in the City of La Porte Located Between Lots 81 & 82 in Shoreacres Addition

Councilwoman Feikes moved to introduce an Ordinance; motion seconded by Councilwoman Konieczny and unanimously carried. Councilwoman Feikes read an Ordinance Vacating a Portion of a Public Alley in the City of La Porte Located Between Lots 81 & 82 in Shoreacres Addition in its entirety.

As this Ordinance requires a public hearing, Mayor Dermody opened the public hearing and asked if there was anyone present who wished to address the Council regarding this matter. Jim Kaminski, City Attorney, presented proof of publication in the Regional News on June 27, 2024, and noted the petitioner provided the proper proof of certified mailing to the sole adjoining owner, as is required by statute. Attorney Barry McDonnell, legal representation for Javier and Suzanne Botana, spoke regarding the petition to vacate a portion of the alley adjacent to their home at 703 Lakeside Street noting this was approved at the Traffic Commission in December of 2023. Attorney McDonnell described that the alley way straddles 711 and 713 Lakeside Street noting it has never been used as a public right of way and is the sole access point for the Botana's property. Beacon even mistakenly identifies this alley as the property of the Botanas. The Botanas wish to make this perception a reality. Attorney McDonnell noted the Botanas wish to retire in La Porte and do some garage renovations making their home more suitable for fulltime living. Attorney McDonnell reports this petition meets the statutory requirements of vacation of public ways because it will not hinder growth and development of the area and secondly, it will not make access more difficult for the property owners, in fact, it is the only access for the property owners. Attorney McDonnell finally noted this vacation would not hinder access to the public for a church, a school or a public space given where it is located. Attorney McDonnell asked the Council to consider the petition and thanked the City of La Porte for their time and attention to this matter. Mayor Dermody asked if the Engineering office and both utilities were notified, and Attorney McDonnell stated notification was sent to City Attorney Nick Otis who he stated was happy to take on the burden to notify City Departments and he hadn't heard back either way. Councilwoman Feikes noted Nick Minich, City Engineer agreed with the petition and stated it did not hinder any public utilities. Jerry Jackson, Wastewater Superintendent also agreed. Clerk-Treasurer Parthun noted she sent the petition to Police and Fire Chiefs and Water and Wastewater Superintendents. As there were no other Public Comments, Mayor Dermody declared the public hearing closed. Mayor Dermody noted this Ordinance will have its second reading at the August 5, 2024, meeting.

Councilwoman Konieczny moved to introduce an Ordinance; motion seconded by Councilman Buchanan and unanimously carried. Councilwoman Konieczny read an Ordinance Vacating a Portion of “J” Street in its entirety.

As this Ordinance requires a public hearing, Mayor Dermody opened the public hearing and asked if there was anyone present who wished to address the Council regarding this matter. Jim Kaminski, City Attorney, presented proper proof of publication in the Herald Dispatch on July 5, 2024, and noted the petitioner provided the proper proof of certified mailing to the adjoining property owners, as is required by statute, but we are not in receipt of the delivery confirmations. City Attorney Kaminski noted the Public Hearing can still be held, but before the Ordinance has any final action at the August 5, 2024, Council meeting, the city will need proof of the delivery confirmation cards to ensure compliance with statutory requirements. Matthew Kirkwood, Senior Landscape Architect at Danch, Harner & Associates, Inc. represents Beacon. Mr. Kirkwood stated since 1993, before the hospital was built, this vacation was brought in front of City Council, but never moved forward or was officially approved so Mr. Kirkwood stated he is cleaning up the bookwork on that. Mr. Kirkwood noted the hospital building was built in the area they are petitioning to vacate. Mr. Kirkwood stated he notified all utilities as is required by statute and has letters confirming notification.

Jerry Jackson, City of La Porte Wastewater Superintendent stated there is a public sewer in that right of way that serves Meridian Title Corp. and asked for an easement for that sewer giving right of ownership and access to that sewer.

Kevin Warren, Attorney in South Bend who represents NIPSCO, spoke in favor of the vacation noting Beacon and Mr. Kirkwood have been easy to work with and stated any existing utilities in the right of way by statute will allow NIPSCO to retain utility use and access in the right of way and noted it sounds that will be reflected on the subsequent plats that are filed showing that vacated right of way as a utility easement as well as an alley way. With that understanding, Attorney Warren stated NIPSCO is in support of the vacation. Mayor Dermody asked that all the requested easements need to be confirmed before the August 5, 2024, Council meeting. As there were no other Public Comments, Mayor Dermody

declared the public hearing closed. Mayor Dermody noted this Ordinance will have its second reading at the August 5, 2024, meeting.

Introduction of an Ordinance of the City of La Porte, Indiana, Authorizing the Issuance of Waterworks Revenue Bonds for the Purpose of Providing Funds to Pay the Cost of Certain Additions, Extensions and Improvements to the Municipal Waterworks of Said City, providing for the Safeguarding of the Interests of the Owners of Said Bonds, Other Matters Connected Therewith, Including the Issuance of Notes in Anticipation of Bonds, And Repealing Ordinances Inconsistent Herewith
Councilman Franke moved to introduce an Ordinance; motion seconded by Councilwoman Huffman and unanimously carried. Councilman Franke read an Ordinance of the City of La Porte, Indiana, Authorizing the Issuance of Waterworks Revenue Bonds for the Purpose of Providing Funds to Pay the Cost of Certain Additions, Extensions and Improvements to the Municipal Waterworks of Said City, providing for the Safeguarding of the Interests of the Owners of Said Bonds, Other Matters Connected Therewith, Including the Issuance of Notes in Anticipation of Bonds, And Repealing Ordinances Inconsistent Herewithin by title only.

Mayor Dermody asked Tom Pitman, Bond Counsel from Barnes & Thornburg to speak on the Bond Anticipation Note Ordinance for Sewage and Water. Tom Pitman noted the Ordinance is an authorization to borrow money both long term in the form of bonds and short term in the form of bond anticipation notes with the interim bond anticipation note intending to go no more than five years and to pay expenses needed in the nearest future. Mayor Dermody invited Eric Walsh from Bakery Tilly to describe the parameters and terms of the bonds.

Eric Walsh, Baker Tilly, noted the Bond Anticipation Note Ordinance for the Water Department is in an amount not to exceed \$10 Million and Wastewater will not exceed \$20 million, and we do not anticipate using the entire amount, but are still working with Tim Werner and Jerry Jackson, Superintendents of Water and Wastewater to identify the needs to size the Bond Anticipation Notes. Mr. Walsh stated the Bond Anticipation Note will be a short-term financing mechanism that could be done with a local bank, an underwriter or a National Bank and it is recommended the City, upon solicitation of the BAN, take the lowest interest rate possible. Mr. Walsh stated the term of the short-term financing will not exceed a five-year period and within that five-year period, the utilities would then be issuing

long term debt for the remainder of projects on the horizon as well as to pay off this short-term financing. Mr. Walsh stated there is not rate impact on this short-term financing, however, when long term bonds are issued, the city would look at the rate impact at that point and adjust accordingly. Mr. Walsh noted when that time comes for the long-term financing and rate adjustments, that would come before the Council. Tonight's topic of discussion is solely the short-term financing.

Mayor Dermody stated the City of La Porte has infrastructure that needs \$100 million of upgrades and is over one hundred years old. Mayor Dermody stated these dollars go directly into improved infrastructure starting with Monroe Manor and the Letter and Number Streets and this is a continuation of the work that needs to be done. Mayor Dermody stated City of La Porte's utility rates are very competitive in comparison to the state average and we cannot and will not kick the can down the road noting our residents deserve the best infrastructure available.

Jerry Jackson, Wastewater Superintendent provided the public with a PowerPoint describing the projects slated including Indiana Avenue Reconstruction and the Wastewater Treatment Plant Headworks Projects replacing infrastructure from 1987.

Councilman Buchanan noted the discount we are being provided from INDOT for projects like the Indiana Avenue reconstruction project could not provide better timing and while the numbers seem scary, they could be a lot scarier if we were to do this project without the assistance of INDOT. Mayor Dermody also noted the \$1 million slated to be awarded by Mrvan's office helping alleviate cost from residents.

Mayor Dermody noted this Ordinance will move to the August 5, 2024, meeting.

Introduction of an Ordinance Authorizing the Acquisition, Construction and Installation by the City of La Porte, Indiana, of Certain Improvements and Extensions to the City's Sewage Works, the Issuance and Sale of Revenue Bonds to Provide Funds for the Payment of the Costs Thereof, the Issuance and Sale of Bond Anticipation Notes in Anticipation of the Issuance and Sale of Such Bonds, and the Collection, Segregation and Distribution of the Revenues of Such Sewage Works, and All Matters Related Thereto

Councilman Buchanan moved to introduce an Ordinance; motion seconded by Councilwoman Konieczny and unanimously carried. Councilman Buchanan read an Ordinance Authorizing the Acquisition, Construction and Installation by the City of La Porte, Indiana, of Certain Improvements and Extensions to the City's Sewage Works, the Issuance and Sale of Revenue Bonds to Provide Funds for the Payment of the Costs Thereof, the Issuance and Sale of Bond Anticipation Notes in Anticipation of the Issuance and Sale of Such Bonds, and the Collection, Segregation and Distribution of the Revenues of Such Sewage Works, and All Matters Related Thereto by title only.

Mayor Dermody asked Tom Pitman and Eric Walsh if they wanted to cover anything further as they covered both utilities with the first Ordinance read by title only. Both noted they were available for questions as this is a companion ordinance to the first one read.

Mayor Dermody noted this Ordinance will move to the August 5, 2024, meeting.

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 2017 Revised City of La Porte Joint Zoning Ordinance

Councilwoman Huffman moved to introduce an Ordinance; motion seconded by Councilwoman Feikes and unanimously carried. Councilwoman Huffman 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 2017 Revised City of La Porte Joint Zoning Ordinance in its entirety.

Councilwoman Huffman stated this amendment to the zoning ordinance would make retailers providing vape, tobacco, etc. to obtain special approval from the BZA before opening a retail location in City of La Porte. Mayor Dermody stated we are an unhealthy community per the statistics gathered by Health Foundation of La Porte and the City is doing everything it can to make tobacco and vape less accessible and available to our youth.

Councilman Buchanan stated vaping is the number one issue at La Porte Community Schools.

Mayor Dermody noted this Ordinance will move to the August 5, 2024, meeting.

39 North Asset Purchase Agreement

Councilwoman Feikes moved to table the 39 North Asset Purchase Agreement until further details concerning the exhibits associated with the Purchase Agreement are complete; motion was seconded by Councilwoman Huffman and unanimously carried. 39 North Asset Purchase Agreement was tabled.

Introduction of a Resolution to Transfer Funds Within the 2024 Budgets
Councilman Galloway moved 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 2024 Budgets in its entirety.

Motion/Vote Resolution to Transfer Funds Within the 2024 Budgets:

Councilwoman Feikes moved to approve a Resolution to Transfer Funds Within the 2024 Budgets; motion seconded by Councilwoman Huffman and unanimously carried.

R-19-2024

RESOLUTION TO TRANSFER FUNDS WITHIN THE 2024 BUDGETS

Other Business

Councilwoman West invited the public to the launch of La Porte County's use of the Pulse Point App to help save lives. La Porte County, Emergency 9-1-1 and Heart Safe Community Task Force (which includes our local EMS, La Porte County 9-1-1, the City's Fire Department, Play for Jake Foundation and the Health Foundation of La Porte) will be launching the Pulse Point App which encourages bystander CPR and use of AEDs and will be celebrating the launch on July 18, 2024 at the Municipal Airport. Also reported by Councilwoman West is the 6th Annual Bolt for the Heart race on July 27, 2024. Councilwoman West noted registration is still open.

Mayor Dermody thanked the City of La Porte for the 4th of July Celebration including the parade.

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: August 5, 2024