

August 5, 2024

The Common Council of the City of La Porte met in regular session Monday, August 5, 2024, at 6:00 p.m. in Council Chambers.

Pledge of Allegiance

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

Petitions and Comments of Citizens

None

Standing Committee Reports

Redevelopment Commission:

Councilman Franke reported Redevelopment Commission met last Wednesday, July 31, 2024. Claims were approved, and the Redevelopment Authority authorized a resolution allowing Redevelopment Commission to start a bond issuance process to fund projects in 39 North and the Thomas Rose Industrial Park. Use of TIF funds were approved to be used for infrastructure improvements in the Thomas Rose Industrial Park. A motion to approve a bid to Ferguson Waterworks in the amount of \$500,940.50 for this project was made, the motion passed. A purchase agreement was entered to sell a parcel of land in New Porte Landing to the same developer as the one that purchased the Don George property.

Finally, a development agreement was entered between Full Tilt and the Redevelopment Commission to provide them with a parcel of land in New Porte Landing in order to build a family fun center.

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.

#### Park Board:

Councilwoman Feikes reported the next Park Board meeting will be held on August 21, 2024, at 4:00 P.M. at the Park Office.

#### Police Merit Commission:

Councilman Galloway reported the Police Merit Commission will meet on August 13, 2024, at 2:00 P.M. at the Police Station.

#### Business Improvement District:

Councilwoman West reported the BID Board met in July and the downtown benches and trash receptacles have been repaired.

City Planner Craig Phillips gave the board a copy of the inventory on the blocks in the BID district where the sidewalk pavers need repair. The next BID Board meeting will be Monday, August 12, 2024, at 5:00 p.m. in Council Chambers.

#### Plan Commission:

Councilman West reported the Plan Commission met in July. Bailey Park Subdivision (which is the 18<sup>th</sup> Street townhomes) was approved as a favorable recommendation to the Board of Public Works and Safety. City Planner Craig Phillips presented a summary of the progress on the City Comprehensive and Transportation Plan. The next plan commission meeting will be August 13, 2024, at 6:00 p.m. in Council Chambers.

#### Fire Commission:

Councilwoman West reported that our Fire Department will receive a \$128,000 federal grant for safety upgraders for all three of our fire departments. This money will be used to buy diesel exhaust removal systems. The next Fire Merit Commission meeting will be Wednesday, August 7, 2024, at 6:30 p.m. at Fire Station #1.

#### Urban Enterprise Association

Councilwoman West reported the next UEA meeting will be held Wednesday, August 21, 2024, at 4:00 p.m. in Council Chambers.

#### Airport Authority:

Councilwoman Konieczny reported the next Airport Authority meeting will be held on August 14, 2024, at 5:15 P.M. at the Airport.

### Recognition of First Responders for Overpass Rescue

Mayor Dermody invited Chief Andy Snyder and Chief Dick Buell to the podium to congratulate all the First Responders involved in the recent Overpass Rescue. Chief Snyder stated that on the early afternoon of July 20, 2024, our emergency responders were dispatched to the overpass for a possible suicidal person. At that time a normal dispatch went out and our personnel responded, La Porte County EMS responded, La Porte City Police responded as well as some sheriff's officers that were in the area. All those involved quickly jumped into action and were able to get up and over the fence to lock her in and lower her down. Chief Snyder thanked all involved in helping to save this young person's life, including those from his department; Captain AC Pressler, Firefighter Tyler Long, Firefighter Spencer Leda, Captain Carl Wisnieski, Firefighter Chad Salyer, Firefighter Cameren Watt, Battalion Chief Doug Biernacki, and Firefighter Sam Doig. From the Sheriff's Department Captain Dallas Smythe, Deputy Jacob Payne, and Deputy Joe Walker were there, and from La Porte County EMS Elizabeth Spear, and Andrew Macharel.

Chief Dick Buell stated on July 20, 2024, day shift was dispatched to the overpass for a possible suicide attempt. With the quick thinking of Cpl. Nicholas Clabaugh, Specialist Robert Hagler, Specialist Jose Gonzalez, Specialist Aaron Stewart, Specialist Isaias Riveria, Specialist Kristen Kajer, and Patrolman Aidyn Yettaw they were able to secure the subject.

### Second and Final Reading 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 read an Ordinance for the second time by title only; 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 by title only.

City Attorney Nick Otis stated that Javier and Suzanne Botana's petition to vacate a portion of the alley adjacent to their home at 703 Lakeside Street was approved at the Traffic Commission in December of 2023 describing that the alley way straddles 711 and 713 Lakeside Street. This 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 Otis noted the Botanas wish to retire in La Porte and do some garage renovations making their home more suitable for fulltime living.

Motion/Vote: Councilman Galloway moved to approve an Ordinance Vacating a Portion of a Public Alley in the City of La Porte Located Between Lots 81 & 82 in Shoreacres Addition; motion seconded by Councilman Franke and unanimously carried.

ORDINANCE NO. 6-2024  
ORDINANCE VACATING A PORTION OF A PUBLIC ALLEY IN THE CITY OF  
LA PORTE LOCATED BETWEEN LOTS 81 & 82 IN SHOREACRES  
ADDITION

Second and Final Reading of an Ordinance Vacating a Portion of "J" Street

Councilwoman Konieczny moved to read an Ordinance for the second time by title only; motion seconded by Councilman Franke and unanimously carried. Councilwoman Konieczny read an Ordinance Vacating a Portion of "J" Street by title only.

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.

Motion/Vote: Councilman Galloway moved to approve an Ordinance Vacating a Portion of "J" Street; motion seconded by Councilwoman West and unanimously carried.

ORDINANCE NO. 7-2024  
ORDINANCE VACATING A PORTION OF "J" STREET

Second and Final Reading 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 read an Ordinance for the second time by title only; motion seconded by Councilwoman Feikes 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 Herewith by title only.

Mayor Dermody asked Clerk-Treasurer Parthun to speak on the Bond Anticipation Note Ordinance for Sewage and Water. Clerk-Treasurer Parthun 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. Clerk Treasurer Parthun highlighted what Thomas Pitman, Barnes & Thornburg Bond Counsel and Eric Walsh, Baker Tilly stated at the previous meeting noting 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. 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. Clerk-Treasurer Parthun stated there is no 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 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.

Motion/Vote: Councilwoman Feikes moved to approve 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; motion seconded by Councilwoman Huffman and unanimously carried.

ORDINANCE NO. 8-2024

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 CONNECTEDTHEREWITH, INCLUDING THE ISSUANCE OF NOTES IN ANTICIPATION OF BONDS, AND REPEALING ORDINANCES INCONSISTENT HEREWITH

Second and Final Reading 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 read an Ordinance for the second time by title only; motion seconded by Councilwoman Feikes 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 Clerk-Treasurer Parthun to speak on this Ordinance. Clerk-Treasurer Parthun noted this is a companion ordinance to the Water Works Ordinance that was just approved unanimously.

*Motion/Vote:* Councilwoman Konieczny moved to approve 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; motion seconded by Councilwoman Feikes and unanimously carried.

#### ORDINANCE NO. 9-2024

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

Second and Final Reading 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 read an Ordinance for the second and final time by title only; 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 by title only.

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.

Motion/Vote: Councilman Franke moved to approve 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; motion seconded by Councilwoman Feikes and unanimously carried.

#### ORDINANCE NO. 10-2024

#### 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

Introduction of an Ordinance Authorizing Purchasing Agents of the City of La Porte to Make Advance Payments on Contracts for Public Works Projects, Goods and Services

Councilwoman West moved to introduce and Ordinance for the first time in its entirety; motion seconded by Councilwoman Konieczny and unanimously carried. Councilwoman West read an Ordinance Authorizing Purchasing Agents of the City of La Porte to Make Advance Payments on Contracts for Public Works Projects, Goods and Services in its entirety.



Clerk-Treasurer Parthun stated it is not common business practice for the City of La Porte to do pre-payments as it was not allowed before Senate Enrolled Act 317. In specific instances, when necessary, this ordinance will allow the Clerk-Treasurer's office to make prepayments for items listed in section 3D of this Ordinance.

Mayor Dermody noted this Ordinance will move to the August 19, 2024, Council Meeting.

Introduction of an Ordinance Vacating Ordinance No. 9-2007, and 11-2007 Regulating Post-Construction Activity and Stormwater Management, Illicit Discharges and Connections to Stormwater Drainage Systems, and Construction Activity, Erosion and Sediment Control and Creating a New Ordinance Addressing Stormwater Management

Councilman Galloway moved to introduce an Ordinance for the first time in its entirety; motion seconded by Councilman Buchanan and unanimously carried. Councilman Galloway read an Ordinance Vacating Ordinance No. 9-2007, and 11-2007 Regulating Post-Construction Activity and Stormwater Management, Illicit Discharges and Connections to Stormwater Drainage Systems, and Construction Activity, Erosion and Sediment Control and Creating a New Ordinance Addressing Stormwater Management in its entirety.

City Attorney Nick Otis stated this was a request from Wastewater and Stormwater, in response to a mandate from IDEM and we're simply complying with those mandates.

Mayor Dermody noted this Ordinance will move to the August 19, 2024, Council Meeting.

Introduction of a Resolution Approving Use of a Tax Abatement on Real Property Taxes Created by the Construction of a New Distribution Center

Councilman Franke moved to introduce a Resolution for the first and only time in its entirety; motion seconded by Councilwoman Konieczny and unanimously carried. Councilman Franke read a Resolution Approving Use of a Tax Abatement on Real Property Taxes Created by the Construction of a New Distribution Center in its entirety.

Bert Cook, Executive Director of La Porte Economic Advancement Partnership explained, 39 North has been a bit of a challenging project due to the annexation and improvements to the infrastructure that were

necessary to make any project like this possible. Mr. Cook stated he appreciates the patience of Jeff and his team as we worked through all those issues. The distribution center will fit nicely with Hickman Williams, which has already been built. There will be twelve jobs with an average wage of \$34.00 per hour. Mr. Cook stated he appreciates all the department heads for their help and involvement with this project. Particularly thankful to Chief Andy Snyder for his work. Fire protection is one of those items that we're very mindful of in the area until the improvements are completed and the water service is improved for that entire area.

Motion/Vote Resolution:

Councilman Galloway moved to approve a Resolution Approving Use of a Tax Abatement on Real Property Taxes Created by the Construction of a New Distribution Center; motion seconded by Councilwoman Feikes and unanimously carried.

R-20-2024

RESOLUTION APPROVING USE OF A TAX ABATEMENT ON REAL  
PROPERTY TAXES CREATED BY THE CONSTRUCTION OF A NEW  
DISTRIBUTION CENTER

Introduction of a Resolution to Transfer Funds Within the 2024 Budgets  
Councilwoman Feikes moved read a Resolution for the first and only time in its entirety; motion seconded by Councilwoman Konieczny and unanimously carried. Councilwoman Feikes read a Resolution to Transfer Funds within the 2024 Budgets in its entirety.

Motion/Vote Resolution:

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

R-21-2024

RESOLUTION TO TRANSFER FUNDS WITHIN THE 2024 BUDGETS

Other Business

Mayor Dermody stated the 39 North annexation has taken place and the City of La Porte and the 39 North Board are close to reaching an agreement for the credits the residents will receive.

City Attorney Nick Otis stated weekly meetings are being held to finalize the agreement. There are over 100 properties that will be receiving credits as part of this purchase agreement. The next meeting is scheduled for Wednesday, August 7, 2024, with 39 North Board. The City of La Porte will not be part of the decision as to how credits are distributed. That will be decided by 39 North Board. The agreement will be submitted to both the Board of Public Works and City Council. Once approved a real estate closing will be scheduled.

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 19, 2024