

September 3, 2024

The Common Council of the City of La Porte met in regular session Monday, September 3, 2024, at 6:00 P.M. in Council Chambers.

Pledge of Allegiance

Councilwoman Feikes 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 August 28, 2024, and held a Public Hearing on a Lease Agreement between City of La Porte Redevelopment Authority and City of La Porte Redevelopment Commission allowing the Commission to pay rent to the Authority at a rate not to exceed Two Million Four Hundred Fifty Thousand Dollars per year in semiannual installments through the expiration of the Lease from tax increment revenues which relates to financing for Park Street, Boyd Boulevard and 39N infrastructure improvements. Councilman Franke also reported the adoption of a Resolution Authorizing the Execution of a Lease between the City of La Porte Redevelopment Authority and City of La Porte Redevelopment Commission relating to the above-mentioned Lease. Councilman Franke reported the approval of a real estate agreement giving Dr. Zhang a small parcel of land in exchange for a piece of the original property that was needed for an easement for NIPSCO. Councilman Franke reported the 2025 Budget and spending plan were approved. Lastly, an

additional appropriation resolution was proposed for an additional appropriation for \$800,000 for Clear Lake Improvements.

Sustainability Commission:

Councilwoman Huffman reported the Sustainability Commission met Tuesday, August 27, 2024, reporting trees, including removal, replacement and inventory, were the topic of discussion. Councilwoman Huffman reported City of La Porte has 5,560 trees inventoried, 17% of which need to be removed. Per the Tree Planting Plan, Councilwoman Huffman reported about eighty of those trees will be replaced and the Sustainability Commission is looking for funding sources to replace all trees that are being removed. Councilwoman Huffman asked the public if they wish to assist the Commission or have any ideas to please contact Tucker King at City Hall. Councilwoman Huffman reported the next Sustainability Commission meeting will be a working session held at the La Porte County Library on September 9, 2024, at 4:00 P.M.

Traffic Commission:

Councilwoman Feikes reported next Traffic Commission meeting will be held Tuesday, September 10, 2024, at 5:00 P.M. at the Police Station.

Park Board:

Councilwoman Feikes reported the next Park Board meeting will be held on September 18, 2024, at 4:00 P.M. at the Park Office.

Mayors Veterans Committee:

Councilman Galloway reported the Mayors Veterans Committee will meet September 9, 2024, at 5:00 P.M. at the Park Department.

Airport Authority:

Councilwoman Konieczny reported This year's Air Fair is scheduled for September 6th through 8th. The Arizona Commemorative Air Force B-25 and B-17 will be in attendance. Councilwoman Konieczny invited the public to come explore all that La Porte Municipal Airport has to offer, including Historic Flights, Tours Discovery Flights, Food Trucks, Vendors and the ever-popular Pancake Breakfast which will be held on Sunday, September 8, 2024, from 7:00 A.M. until 12:00 P.M. Councilwoman Konieczny reported the next Airport Authority meeting will be held on Wednesday, September 11, 2024, at 5:15 P.M. at the Airport.

Recognition of Police Department

Chief of Detective Bureau Jim Ferguson spoke about an incident that occurred on the morning of August 19, 2024, which led to Francisco Camarillo being formally charged with Murder and Felony resisting Law Enforcement. Captain Ferguson, Chief Buell and the La Porte Police Department would like to recognize Day Shift Supervisors

Sergeant Justin Dyer and Corporal Nicholas Claybaugh for their leadership during this tragic incident along with Specialist Aaron Stewart, Specialist Robert Hagler and Specialist Jose Gonzalez. The department would also like to thank Detective Captain Jim Ferguson, Detective Sergeant Chae Uhlemann, Detective Corporal Ashley Adams, Detective Dylan Barden, Detective Alex Mendoza and Evidence Custodian Tony McClintock for their investigative work in quickly bringing this case to a resolution. Lastly, the La Porte Police Department would like to acknowledge the La Porte County 911 Department and Dispatcher Nikki Nixon. Chief Buell and Captain Ferguson noted Nikki's calm and professional demeanor during the pursuit, as well as her ability to articulate pertinent information to Officers, was invaluable.

Second and Final Reading of an Ordinance to Amend the Zoning Ordinance of the City of La Porte, Indiana as Enacted August 12, 2017, which is a Part of Chapter 82 of the Municipal Code of the City of La Porte by Amending the Official Zone Map that are a Part of the Zoning Ordinance in Order to Re-Zone Four Parcels of Real Estate in the City of La Porte

Councilwoman Konieczny moved to read an Ordinance for the second time by title only; motion was seconded by Councilwoman Feikes and unanimously carried. Councilwoman Konieczny read an Ordinance to Amend the Zoning Ordinance of the City of La Porte, Indiana as Enacted August 12, 2017, which is a Part of Chapter 82 of the Municipal Code of the City of La Porte by Amending the Official Zone Map that are a Part of the Zoning Ordinance in Order to Re-Zone Four Parcels of Real Estate in the City of La Porte by title only.

Craig Phillips, Director of Community Development and Planning stated this Ordinance comes to the Council with a unanimous recommendation for adoption from Plan Commission noting this property is near the toll road, SR39 and the South Shore freight railroad tracks along with the likelihood of the incorporation of a rail spur on the property makes it a prime location for this type of zoning.

Motion/Vote Ordinance:

Councilman Franke made a motion to approve an Ordinance to Amend the Zoning Ordinance of the City of La Porte, Indiana as Enacted August 12, 2017, which is a Part of Chapter 82 of the Municipal Code of the City of La Porte by Amending the Official Zone Map that are a Part of the Zoning Ordinance in Order to Re-Zone Four Parcels of Real Estate in the City of La Porte; motion was seconded by Councilwoman Huffman and unanimously carried.

ORDINANCE NO. 13-2024

ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF LA PORTE,
INDIANA AS ENACTED AUGUST 12, 2017, WHICH IS A PART OF CHAPTER 82 OF

THE MUNICIPAL CODE OF THE CITY OF LA PORTE BY AMENDING THE OFFICIAL
ZONE MAP THAT ARE A PART OF THE ZONING ORDINANCE IN ORDER TO RE-
ZONE FOUR PARCELS OF REAL ESTATE IN THE CITY OF LA PORTE

Introduction of an Ordinance Creating TIF V – Boyd Blvd. Allocation Area Fund –
Fund No. 4449

Councilman Franke moved to read an Ordinance for the first time by title only per City Attorney Nick Otis; motion seconded by Councilwoman Feikes and unanimously carried. Councilman Franke read an Ordinance Creating TIF V – Boyd Blvd. Allocation Area Fund – Fund No. 4449 by title only.

Bert Cook, Executive Director of the La Porte Economic Advancement Partnership, spoke on the creation of the two new major allocation areas, 39N and Boyd Blvd. for Microsoft, which were previously approved by Council noting the creation of these funds is the next step in the process. Mr. Cook stated the current base of these allocation areas are still a part of each overlapping taxing unit, but the new increment created from growth within the allocation areas will now be captured and accounted for within each respective fund.

Mayor Dermody stated this Ordinance will move to the September 16, 2024, meeting.

Introduction of an Ordinance Creating TIF VI – Thirty-Nine North Allocation Area
Fund – Fund No. 4450

Councilman Buchanan moved to read an Ordinance for the first time by title only per City Attorney Nick Otis; motion seconded by Councilwoman Huffman and unanimously carried. Councilman Buchanan read an Ordinance Creating TIF VI – Thirty-Nine North Allocation Area Fund – Fund No. 4450 by title only.

Bert Cook, Executive Director of the La Porte Economic Advancement Partnership, spoke on the creation of the two new major allocation areas, 39N and Boyd Blvd. for Microsoft, which were previously approved by Council noting the creation of these funds is the next step in the process. Mr. Cook stated the current base of these allocation areas are still a part of each overlapping taxing unit, but the new increment created from growth within the allocation areas will now be captured and accounted for within each respective fund.

Mayor Dermody stated this Ordinance will move to the September 16, 2024, meeting.

Introduction of an Ordinance Creating Property Maintenance Fund – Fund No. 5508

Councilwoman Feikes moved to read an Ordinance for the first time in its entirety; motion seconded by Councilman Franke and unanimously carried. Councilwoman Feikes read an Ordinance Creating Property Maintenance Fund – Fund No. 5508 in its entirety.

Clerk-Treasurer Parthun stated City of La Porte received tax settlements in late June and could not balance back and uncovered we received a duplication of our Business Improvement District Funds – one being an assessment, one being a tax rate. What this means, is that out of the max levy we are allowed to capture, part of that was unnecessarily used up by this duplication by DLGF. Clerk-Treasurer Parthun noted to follow statutory guidelines to correct this issue, we would need to create this Property Maintenance Fund, account for the settlement, account for it again with our December settlement and in 2025, Council can declare the fund dormant and transfer the funds back to the General Fund, where the levy was improperly moved from.

Mayor Dermody stated this Ordinance will move to the September 16, 2024, meeting.

Introduction of an Ordinance Amending Ordinance No. 29-2023, to Amend Salaries in the Department of Transportation

Councilwoman Huffman moved to read an Ordinance for the first time in its entirety; motion seconded by Councilwoman Feikes and unanimously carried. Councilwoman Huffman read an Ordinance Amending Ordinance No. 29-2023, to Amend Salaries in the Department of Transportation in its entirety.

Mayor Dermody stated the wage for the Part-Time Mechanic at the Department of Transportation needs to be comparable to the rest of the mechanics within the City of La Porte and this Salary Amendment will do that.

Mayor Dermody stated this Ordinance will move to the September 16, 2024, meeting.

Introduction of a Resolution for an Additional Appropriation for CEDIT, CCD and Beechwood N/R Capital

Councilwoman West moved to read a Resolution for the first time in its entirety; motion seconded by Councilman Buchanan and unanimously carried. Councilwoman Huffman read a Resolution for an Additional Appropriation for CEDIT, CCD and Beechwood N/R Capital in its entirety.

Kyle Cashmer, Beechwood Golf Course, reported the golf course had a record profit last year. He stated the appropriation for this year is \$40,000 and as they have had several large expenses, two that weren't planned for and one that was on the list of

upgrades to the 18th tee for 2024. The additional appropriation before the Council is to cover the expenses that are over the amount of the original appropriation.

Mayor Dermody stated there have been comments posted on social media that are confusing residents as those that are posting do not understand local government financing. The Mayor stated we need to be respectful of individuals and for those who want to understand how government financing works all they have to do is call and someone will be glad to explain it to them.

Courtney Parthun, Clerk-Treasurer, reported the City has healthy cash balances in both the CEDIT and CCD funds. When preparing a budget, the City is required to create an 18 (eighteen) month budget, the rest of 2023 (July through December) and the entire year for 2024. Last year when creating the budget in July, the City had no idea what the bid for the Indiana Avenue Project would be, which was awarded on August 14, 2024. The bid came in lower than what was expected and now that the City knows what those numbers are, the proper procedure would be to make an additional appropriation in order to pay INDOT with thirty (30) days of the letting. Ms. Parthun stated an Ordinance passed by the City Council allows for any profit made at Beechwood Golf Course be transferred to their Non-Reverting Capital Fund, up to \$50,000. As Mr. Cashmer stated they had a record year last year and exceeded that amount, however, only \$50,000 could be transferred per Ordinance. That being said, only \$40,000 was appropriated and with the cash balance in the fund, there is enough money to do the additional appropriation.

As this Resolution requires a public hearing, the Mayor declared the public hearing open and asked if there was anyone present who wished to address the Council regarding this matter. The Clerk-Treasurer reported the notice of public hearing was advertised in the Herald-Dispatch on August 20, 2024. As no one came forward, the Mayor declared the public hearing closed.

Motion/Vote – Adopt Resolution R-26-2024

Councilwoman Konieczny moved to approve the Resolution as presented; motion seconded by Councilwoman Huffman.

Mayor Dermody noted in conjunction with the State of Indiana, the City will have historical lighting on Indiana Avenue. The Mayor stated he would also like to recognize Kyle Cashmer for the great work he has done at Beechwood Golf Course to make it the success it is today.

The motion to approve the Resolution as presented was unanimously carried.

RESOLUTION NO. R-26-2024
RESOLUTION FOR AN ADDITIONAL APPROPRIATION FOR
CEDIT, CCD AND BEECHWOOD N/R CAPITAL

Introduction of a Resolution to Transfer Funds within the 2024 Budgets
Councilman Galloway moved to introduce a Resolution; motion seconded by Councilwoman Konieczny and unanimously carried. Councilman Galloway read a Resolution to Transfer Funds within the 2024 Budgets in its entirety.

Motion/Vote – Adopt Resolution R-27-2024

Councilwoman Feikes moved to adopt the Resolution as presented; motion seconded by Councilman Buchanan and unanimously carried.

RESOLUTION NO. R-27-2024
RESOLUTION TO TRANSFER FUNDS WITHIN THE 2024 BUDGETS

Other Business

Mayor Dermody stated he wanted to give a big thank you to Courtney Parthun and her team in the Clerk-Treasurer's Office for their work with budgets and the annual audit with State Board of Accounts.

Un-table 39N Asset Purchase Agreement

Councilman Franke moved to un-table 39N Asset Purchase Agreement; motion seconded by Councilwoman Konieczny and unanimously carried.

Motion/Vote – Introduction of Interlocal Agreement with 39N Conservancy District
Councilwoman Feikes moved to introduce an Interlocal Agreement with 39N District for the first and only time by title only; motion seconded by Councilwoman Konieczny and unanimously carried.

Nick Otis, Attorney for the City, noted the Council needs to approve the Purchase Agreement first.

Motion/Vote – 39N Purchase Agreement

Councilman Franke moved to introduce the 39N Purchase Agreement for the first and only time by title only; motion seconded by Councilwoman Huffman and unanimously carried. Councilman Franke read the Utility Systems Asset Acquisition Agreement by and between the City of La Porte, Indiana, as Buyer, and Thirty-Nine North Conservancy District, as Seller by title only.

Nick Otis stated there were many people involved with regard to this project and moving it forward. The agreement before the Council is to purchase the assets of the Thirty-Nine North Conservancy District. The City will pay Thirty-Nine North District property owners \$2,000,000 through utility credits. The District has approximately \$660,000 in cash and the City will receive \$500,000 in cash up front at closing. Mr. Otis explained the process in determining the credits property owners will receive which is listed in Appendix V. He stated by law the City can't pay property owners which is the reason for the credits. The credits were determined by the District and their financial advisors. Mr. Otis stated the next step is for the Board of Works to approve the agreement and it is on the Districts agenda for approval at their next meeting. Once all entities have approved the documents, a closing date will be determined, probably within the next couple of weeks. Mayor Dermody thanked the Thirty-Nine North District's board members for their work in moving this forward with an outcome that he believes is the best for all those involved.

Motion/Vote – Approve 39N Purchase Agreement

Councilman Franke moved to approve the agreement as presented; motion seconded by Councilwoman West and unanimously carried.

Introduce Interlocal Agreement with 39N Conservancy District

Councilwoman Feikes read the Interlocal Agreement (this "Agreement"), is made and entered into this 3rd day of September, 2024 (the "Effective") by and between the City of La Porte, Indiana (the "City") and the Thirty-Nine North Conservancy District, a political subdivision created under the laws of the State of Indiana (the "District,; and together with the City, the "Parties," or singularly a "Party") by title only.

Motion/Vote – Approve Interlocal Agreement with 39N Conservancy District

Councilman Franke moved to approve the Interlocal Agreement as presented; motion seconded by Councilwoman Konieczny.

Mr. Otis stated this agreement was at the request of the 39N Conservancy District and basically makes both parties accountable and makes sure what was agreed upon is done.

The motion to approve the Interlocal Agreement with 39N Conservancy District as presented was unanimously carried.

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: September 16, 2024