

# The Common Council of the City of LaPorte

January 25, 2010

## Convene

The Common Council of the City of LaPorte met in regular session in the Council Chambers on January 25, 2010 at 7:00 p.m. Attendance: Councilman Logwood, Present: Councilwoman Renner, Present: Councilwoman Hammons, Present: Councilman Heichel, Present: Councilman Schmitt, Present: Councilman Luscomb, Present: Councilman Pressler, Present.

## Pledge

The Pledge of Allegiance was led by Councilman Luscomb.

Mayor Chroback noted the City Attorney had a previous commitment and will be here later in the meeting. She welcomed the students who were present.

## Minutes

As each Council member received an advance copy of the minutes from the previous regular meeting and the executive session held on January 7th, she stated they would dispense with the reading of same and asked if there were any corrections or additions.

## Approval of Minutes

Councilman Pressler moved to approve the minutes from the regular meeting as well as the executive session; motion seconded by Councilman Logwood and unanimously carried.

## Petitions & Comments

None

## Standing Committee Reports

**BID Board:** Councilwoman Hammons reported the BID Board will meet next Monday.

**Park & Recreation:** Councilman Pressler reported Winterfest is currently being held and those interested in information regarding upcoming events should contact the Park Department. He reported the Park Board would next meet on Wednesday, February 10, 2010, at the Park Office.

**Redevelopment Commission:** Councilwoman Hammons reported the Redevelopment Commission meeting scheduled for Wednesday, January 27, 2010, has been canceled.

**School Board Liaison:** Councilman Pressler reported the School Board elected Mitch Feikes to serve as President. He informed the Council the School Board announced they paid \$96,000 in interest to the Indiana Bond Bank in 2009 for tax anticipation warrants. He stated they are expecting a \$1.6 million shortfall for the 2010 school year.

**Traffic Commission:** Councilman Schmitt reported the Traffic Commission met two weeks ago however, he was unable to attend and deferred to Councilman Pressler. Councilman Pressler reported the Traffic Commission would be forwarding a few items to the Council for consideration.

**Joint Ordinance Steering Committee:** Councilman Heichel reported the Joint Ordinance Steering Committee met last Thursday at which time several items that were discussed affected the City directly. He reported he asked that they change some of the language, which he has talked to the City Attorney about. Councilman Heichel advised there would be one more meeting to review the rest of the document after which time a second draft with the changes will be prepared. He stated they are anticipating the public hearings regarding this matter will be held late this fall.

### **Appointments to the Redevelopment Commission**

Mayor Chroback advised the Council their two appointments to the Redevelopment Commission have expired. Currently Mark Krentz and Anita Grimmer are the Council's appointments and both have expressed an interest in continuing to serve. Both appointments are for a one-year term.

### **Motion/Vote - Appointments to the Redevelopment Commission**

Councilman Logwood moved to reappoint Mark Krentz and Anita Grimmer as the Council's appointments to the Redevelopment Commission; motion seconded by Councilwoman Hammons and unanimously carried.

### **Appointments to the Urban Enterprise Zone**

Mayor Chroback reported the Council has four appointments to the Urban Enterprise Zone. All appointments are for a term of four years, January 1, 2010 through December 31, 2013. The residential appointment was vacated when the member appointed moved outside of the zone and the business appointment has been vacant for some time. The other two members, Don Heichel and Merle Miller have both indicated they would like to continue to serve. The Mayor informed the Council the matter will be on the next agenda and if anyone would like for her to make telephone calls to potential members she would be glad to do so.

Councilman Heichel stated he believed his term was for four years. Mayor Chroback explained Councilman Heichel was appointed to fulfill the vacancy created when Terry Scherer became Police Chief and that term expired on December 31, 2009.

Don Baugher, City Attorney, arrived at 7:15 p.m.

### **Clerk-Treasurer Investment Report**

Teresa Ludlow, Clerk-Treasurer, informed the Council she is required by State Statute to give the Council an investment report by the end of January. She stated a summary of the City's 2009 investments was included in their packet. She noted on the investment report she included the interest earned for both 2008 and 2009, which reflects a decrease of \$275,734.94. This is due to the drop in interest rates, most of which have fallen below one percent. The Clerk-Treasurer informed the Council all sweep accounts have been moved to regular checking accounts as the City was paying more in maintenance fees than what was being received in interest. For example, the Civil City Account, which is the main checking account for the City, earned \$4,504.58 in interest for 2009 and paid \$7,748.58 in maintenance fees.

### **Cancellation of 2-Year Old Checks**

The Clerk-Treasurer presented for the Council's approval of list of checks that are two years old. She reported according to State Statute she is required to provide the Council with a list of checks that are two years old and have not been cashed. The total for each fund is as follows:

Civil City	\$ 51.00
Water Fund	\$265.56
Sewage Fund	\$170.77
Sewage Depreciation	\$105.00
Payroll	\$166.77
BID	\$175.00

At this time she is requesting the Council's permission to receipt the checks back into their respective funds.

### **Motion/Vote - Cancellation of 2-Year Old Checks**

Councilman Logwood moved the Clerk-Treasurer be authorized to receipt the two year old checks back into their respective funds and the checks be considered void; motion seconded by Councilman Pressler and unanimously carried.

### **Second & Final Reading of an Ordinance Amending 2010 Salary Ordinance**

Councilman Logwood moved to read an Ordinance for the second and final time by title only; motion seconded by Councilman Heichel and carried by a majority vote. Councilman Logwood read an Ordinance Amending 2010 Salary Ordinance by title only.

Mayor Chroback noted Police Chief Scherer is present to answer questions from the Council.

Councilman Pressler stated he has no doubt that the detectives have earned or deserve the increase and under different economic circumstances he would not have a problem with supporting the Ordinance. He stated he does not like the precedence this sets nor the fact the City is operating on bare bones budgets and if this is passed the Police Department will be expected to find the funds within their current budget. Councilman Pressler stated he is not supporting the Ordinance based on principle not because he doesn't believe they deserve the increase.

Councilman Luscomb asked if the Chief would like to address the Council. Chief Scherer informed the Council it has been harder lately to get officers to volunteer for the Detective Bureau, in fact the last couple of times he has had to order officers to be in the Detective Bureau. He stated the officers in the Detective Bureau don't wear uniforms and have to purchase dress clothes. He stated hopefully the shift differential pay will be an incentive.

### **Motion/Vote - Adopt Ordinance No. 1-2010**

Councilman Logwood made a motion to adopt the Ordinance as presented; Councilman Heichel seconded the motion. The motion passed by vote: Councilman Logwood (Yes), Councilwoman Renner (Yes), Councilwoman Hammons (Yes), Councilman Heichel (Yes), Councilman Schmitt (Yes), Councilman Luscomb (No), Councilman Pressler (No).

## **ORDINANCE NO. 1-2010 ORDINANCE AMENDING 2010 SALARY ORDINANCE**

**Introduction of an Ordinance to Amend Chapter 82 of the Municipal Code to Re-Zone and Reclassify a Parcel of Real Estate (Philadelphia Street)**

Councilman Heichel moved to suspend the rules and introduce an Ordinance for the first time by title only; motion seconded by Councilman Logwood and unanimously carried. Councilman Heichel read an Ordinance to Amend Chapter 82 of the Municipal Code of the City of LaPorte and the Zone Map that is a Part Thereof in Order to Re-Zone and Reclassify a Parcel of Real Estate (Philadelphia Street) by title only.

Councilman Heichel asked the Director of Engineering to come forward and explain the reason for this Ordinance.

Dale Clingerman, Director of Engineering, reported the property in question is the former INDOT District Headquarters on Philadelphia Street. He reported in 1993 when the area was rezoned, the zoning map was not reviewed with a fine toothcomb and the property was inadvertently zoned as residential. Since that time, INDOT has given the City part of the property and Screw Machine Products purchased the rest. When Screw Machine Products presented plans to construct a new building it was discovered the property was zoned residential. Mr. Clingerman informed the Council Screw Machine Products could apply for a variance at a cost of \$250 to \$300, however, he does not believe they should have to pay to correct an error made by the City. He reported he advised the Plan Commission of the situation and they agreed.

Mayor Chrobak noted the second and final reading will take place at the next regular Council meeting, which is next Monday, February 1st.

**Introduction of a Resolution Supporting Action Against LaPorte County Elected Officials**

Councilman Pressler moved to introduce a Resolution; motion seconded by Councilman Logwood and unanimously carried. Councilman Pressler read a Resolution Supporting Action Against LaPorte County Elected Officials in its entirety.

Councilman Pressler stated the City Attorney gave a detailed explanation for the reasoning behind this action to the Council at a previous meeting.

Councilman Heichel stated he believes the County should be held accountable and should be required to reimburse the City the interest paid.

Councilman Logwood stated he is would not normally be in favor of filing any type of litigation against the County, but unfortunately if this is what it is going to take to get a flame under someone to get this figured out then he will support the Resolution. Councilman Logwood agreed with Councilman Heichel that the County should reimburse the City for the interest that has been paid out.

**Motion/Vote - Adopt Resolution R-2-2010**

Councilman Pressler made a motion to adopt the Resolution as presented; Councilman Heichel seconded the motion. The motion passed by vote: Councilman Logwood (Yes), Councilwoman Renner (Yes), Councilwoman Hammons (Yes), Councilman Heichel (Yes), Councilman Schmitt (Yes), Councilman Luscomb (Yes), Councilman Pressler (Yes).

**RESOLUTION R-2-2010  
RESOLUTION SUPPORTING ACTION AGAINST LAPORTE COUNTY  
ELECTED OFFICIALS**

## **Other Business**

Councilman Logwood formally requested a task force be formed to work with landlords on some issues. He reported he has talked with Councilman Schmitt and he has agreed to serve on the task force along with him. Councilman Logwood reported this is a result of an invitation from the Landlord Association.

Councilman Logwood requested the Sewer/Water Committee reconvene to discuss the pending item regarding Amending Ordinance No. 39-2007.

Councilman Pressler stated normally the Council does not recognize the retirement of an employee, however, because of the significance of the retirement of Firefighter Jim Parks he wanted to acknowledge the traditions of the Fire Department and read the following statement:

The fire service is deeply rooted in tradition and on January 10, 2010 some of those traditions died with the retirement of Jim Parks. They died because the fire service has evolved and Jim was, in many cases, the only active firefighter to experience some of these traditions.

Jim Parks' career as a firefighter started in 1974, 35 years ago. At that time the department consisted of 53 firefighters as opposed to 42 today, and had a first year salary of \$9,600.00. In that time Jim has held the rank of firefighter, engineer, training officer, captain, battalion chief and assistant chief. Through the Merit Commission he was offered the position of inspector and mechanic and turned down both. Jim also served as a member of the Pension Board and trustee for many years.

Some significant things in Jim's career were:

He was the last active firefighter to be hired by a mayor, Mayor Dennis Smith. The only requirements for the job were you had to be 5'6" and a minimum weight of 130 lbs. Since that time, the Merit Commission has hired all current firefighters after successful completion of agility testing and scholastic aptitude testing.

Jim was the last active firefighter to work on the two-shift system, one day on, one day off, compared to the current three-shift system.

When Jim started, all trucks were gasoline powered and had manual transmissions. Two of the trucks were open cab, roadster style. Today all the trucks are diesel and have automatic transmissions and are completely enclosed cabs.

When Jim hired on, the department only had two self-contained breathing apparatus and firefighters rode on the back of the fire truck to the call.

Jim was the last firefighter to work in the Old Station One currently the Swanson Center and consequently to not have the luxury of the overpass.

He was the last active firefighter to work with Captain Arnold Devereaux who died in the line of duty in May of 1982.

So with Jim's retirement, we wish him well and say goodbye to some archaic and in some cases unsafe traditions. Best wishes to Jim.

Mayor Chrobak stated Jim did a very fine job throughout the years and was a fine leader in the department. She wished him well in the future.

**Adjourn**

There being no further business, Councilman Pressler moved to adjourn; motion seconded by Councilman Heichel and unanimously carried.

**Signatures**

APPROVED: \_\_\_\_\_  
Kathleen A. Chroback, Mayor

ATTEST: \_\_\_\_\_  
Teresa L. Ludlow, Clerk-Treasurer

Approved: February 1, 2010