

# **The Common Council of the City of LaPorte**

**June 07, 2010**

## **Convene**

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

## **Pledge**

The Pledge of Allegiance was led by Councilman Pressler.

Mayor Chroback noted the agenda will be amended by adding Mayoral Awards after the approval of the minutes.

## **Minutes**

As each Council member received an advance copy of the minutes from the previous meeting, Mayor Chroback 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 as submitted; motion seconded by Councilman Logwood and unanimously carried.

## **Presentation of Mayoral Awards**

Mayor Chroback stated it is her pleasure to present the City's Quarterly Mayoral Awards and asked Matt Cook, Director of Human Resource, to come forward. Mr. Cook reported the City started this program several years ago with great success. He stated every quarter the City recognizes two students for the school system for outstanding behavior. The object of the program is to recognize students for acts that aren't normally recognized. Mr. Cook reported there were 20 nominations this quarter. The honorable mentions are: Adam Gasaway, Handley Elementary; Austin Haferkamp, Riley Elementary; Hannah Hoke, Riley Elementary; Erin Johnson, Indian Trail; Tiffany Lin, Riley Elementary; Ashlynn McClanahan, Kingsford Heights Elementary; Jordan Parks, Hailmann Elementary; Cameron Perkins, Handley Elementary; Bailey Scott, Handley Elementary; Sophie Sorg, Indian Trail; Grace Tarnow, Indian Trail, Cameron Wells, Kingsbury Elementary; Haley Wilson, Kingsford Heights Elementary; and Jenna Bradley, Kesling Middle School. Mayor Chroback presented Mayoral Awards to Alexa Blanton, Boston Middle School and Austin Cummings, Handley Elementary School. The Mayor noted Dave Burkholtz, Boston Middle School Principal, Angie Baugher, Austin's teacher and Dottie Davis, Handley Elementary School Principal were in attendance. Mayor Chroback congratulated all the nominees and recipients.

## **Petitions & Comments**

Dr. Elizabeth Rassel, 1108 Indiana Avenue, informed the Council when she purchased the property in 2004

she was not told the house was on the Local Historical Registry nor the requirements associated with that designation. She stated now that the renovations have been completed, in full compliance with the City of LaPorte, she requested the property be removed from the City's Historical Registry. Don Baugher, City Attorney, advised this would require the Council pass an Ordinance which he will prepare for the next Council meeting.

Fran Milo, 92 Keston Elm Drive, presented to the Council a list of volunteers who are willing to help with the mowing and trimming of the City's park areas, particularly Kesling Park. Mayor Chroback thanked Ms. Milo for organizing the volunteers. She stated she will forward the list to the Park Department.

Tom Schmitt, 504 Jefferson Avenue, Apt. #4, stated about three weeks ago he addressed the City regarding enforcing City codes. Mr. Schmitt reported some of the things he brought before the City have been taken care of but not everything. Mayor Chroback noted Mr. Schmitt addressed the Board of Public Works and Safety with his concerns, not the Council. She stated because the complaint he issued is a rental property there are certain procedures that need to be followed. The Mayor informed Mr. Schmitt the property owner has been notified of the situation and has a certain amount of time to make the necessary changes before further action can be taken.

Sierra Sue Jesch, 1672 Stone Lake Drive, stated several weeks ago the Mayor held an informal meeting with the residents of 1700 Weller Avenue regarding the proposed solution to the septic failure in that block. She stated as she is a nearby resident, she attended the meeting to see how it was going to affect her. Ms. Jesch stated at the meeting, Jerry Jackson, Director of the Wastewater Department, explained how LaPorte's sandy soil does not adequately filter the pollutants out of the wastewater because it moves too fast. In other words a septic system could fail and you wouldn't know it and it could contaminate someone else's property downhill. She stated downhill and several blocks away from the area in question is Stone Lake, where people swim, fish and boat. Ms. Jesch asked if you would want to take the chance of someone getting sick from a failed septic that ended up in Stone Lake. Ms. Jesch reported at the meeting several residents indicated their septic systems were fine but questioned whether anyone had actually had their septic checked to make sure there aren't any contaminants going into the ground. She stated Councilman Logwood wants to allow people to have septic systems within the City even after he was warned about the problems they could present. Ms. Jesch stated Councilman Logwood supported spending extra money the City doesn't have to put in a gravity system for Weller Avenue at twice the cost, but he also said the City has too much fat in the budget. She stated several of the residents want a gravity system instead of the grinder system. She stated there is less maintenance with a gravity system but how can the City justify spending twice as much money for the gravity system for six homes. Ms. Jesch stated last year the Council passed an Ordinance allowing residents 62 and over to keep their septic systems, however, there is no requirement giving proof that the septic system is working properly. Ms. Jesch stated like it or not, the day is coming when everyone within the County will be required to hook up to a sewer system.

Councilman Logwood stated for the record he does not think that project should come before a project when we have sewer currently under water in Pine Lake.

Donna McCleery, 135 W. McClung Road, stated until the City enforces the Ordinance all over town and the City knows those areas that do not have City sewer, how can the City make someone else hook into the service. Mrs. McCleery state the Ordinance that was passed to waive the hook-up requirement for those individuals 62 and over discriminates against younger residents. She stated there are a lot things that need to change in this town and one of those things is the Council. Mrs. McCleery stated one thing the Council needs to change is to have their own attorney. She stated Mr. Baugher represents the City as well as the attorney for the County Council, which she believes is a conflict of interest. Mrs. McCleery stated the Council was elected to serve the people and they aren't doing that. There are three that go along with everything the City wants and the other four are back and forth. She stated she thinks it is time people wake up and realize what is really going on in this City.

Councilman Heichel stated in Mr. Baugher's defense, even though there are time they may not agree politically, Mr. Baugher has never turned away a comment, question or request that he himself has initiated.

### **Standing Committee Reports**

**Airport Authority:** Councilman Luscomb reported the Airport Authority will meet this Wednesday, June 9, 2010, at 5:15 p.m. at the Airport.

**BID Board:** Councilwoman Hammons reported the BID Board met this evening. She stated several items were discussed including the first movie night held on June 4th with over 250 people in attendance. The next movie is scheduled for July 2nd featuring the "Blind Side". Also, the BID Board purchased 100 flags for the downtown area which will be up prior to the Fourth of July weekend. The BID Board agreed to spend \$150.00 for flowers to be planted at City Hall and discussion was held regarding the benches downtown that at starting to splinter.

**Veteran's Committee:** Councilman Heichel reported the Brick Ceremony held this past weekend was a great success with 41 new bricks dedicated. He stated the Veteran's Committee did an outstanding job.

**NewPorte Landing:** Mayor Chroback reported NewPorte Landing will meet tomorrow, June 8, 2010, at 3:30 in the Council Chambers.

**Park & Recreation:** Councilman Pressler reported the Park Board will meet this Wednesday, June 9, 2010, at 7:00 p.m. at the Park Office.

**Police Department:** Councilman Luscomb reported there is an Ordinance on tonight's agenda regarding the Police Merit Commission.

**Joint Ordinance Steering Committee:** Councilman Heichel reported the public meetings have started with the last meeting to be held on June 16th at Purdue North Central.

### **Clerk-Treasurer's Report**

Teresa Ludlow, Clerk-Treasurer, stated on tonight's agenda there is an Ordinance extending the balance of the 2009 Tax Anticipation Warrants with the Indiana Bond Bank. She stated it is imperative the Ordinance is passed at tonight's meeting as it needs to be executed and returned to the Indiana Bond Bank by June 19th. The letter to the City was dated May 26th. The Clerk-Treasurer reported the City will pay the interest for the 2009 and 2010 Tax Anticipation Warrants at the end of the month in the amount of \$51,097.59. Once that payment is made the City will have expended a total of \$275,544.20 in interest. The Clerk provided the Council with an update to the projected cash flow through the end of May. She noted the General Fund shows a deficit of \$5.2 million at the end of the year if all the Indiana Bond Bank loans are paid back in December. She stated the original amount was \$5.9 million. The difference includes the transfers approved by the Council at the last meeting from CCI and Rainy Day Funds, the reduction of three positions that have not been filled, the 5% salary reduction as well as the overall reduction in spending by departments.

Councilman Schmitt inquired when the County will be sending out tax bills. The Clerk-Treasurer stated the last she heard, provisional tax bills will be sent on June 15th with a due day of July 15th. The City would hopefully receive a tax distribution the first or second week of August.

### **Introduction of an Ordinance Extending the 2009 Tax Anticipation Warrants with the Indiana Bond Bank**

Councilman Pressler moved to introduce an Ordinance; motion seconded by Councilwoman Hammons and unanimously carried. Councilman Pressler read an Ordinance Authorizing the City of LaPorte, Indiana (the "Participant"), to Accommodate the Payment of its Outstanding Emergency Temporary Loans that Were Made to Meet Current Running Expenses for Certain Funds of the Participant, and Were Made in Anticipation of and not in Excess of Current Taxes Levied in the Year 2008, Originally Collectable in the Year 2009 but Due to Reassessment and Related Delays, are Now Anticipated for Collection in 2010 in its entirety.

Councilman Pressler asked the City Attorney to give a brief synopsis of what this Ordinance entails. Mr. Baugher stated the Ordinance simply delays the payment of the principal, requires the payment of interest and confirms the interest rate at 2.4%.

### **Motion/Vote - Suspend Rules and Read Ordinance for the Second & Final Time**

Councilman Heichel moved to suspend the rules and read the Ordinance for the second and final time by title only; motion seconded by Councilman Logwood and unanimously carried. Councilman Pressler read the Ordinance Authorizing the City of LaPorte, Indiana (the "Participant"), to Accommodate the Payment of its Outstanding Emergency Temporary Loans that Were Made to Meet Current Running Expenses for Certain Funds of the Participant, and Were Made in Anticipation of and not in Excess of Current Taxes Levied in the Year 2008, Originally Collectable in the Year 2009 but Due to Reassessment and Related Delays, are Now Anticipated for Collection in 2010 by title only.

### **Motion/Vote - Adopt Ordinance No. 15-2010**

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

#### **ORDINANCE NO. 15-2010**

**ORDINANCE AUTHORIZING THE CITY OF LAPORTE, INDIANA (THE "PARTICIPANT"), TO ACCOMMODATE THE PAYMENT OF ITS OUTSTANDING EMERGENCY TEMPORARY LOANS THAT WERE MADE TO MEET CURRENT RUNNING EXPENSES FOR CERTAIN FUNDS OF THE PARTICIPANT, AND WERE MADE IN ANTICIPATION OF AND NOT IN EXCESS OF CURRENT TAXES LEVIED IN THE YEAR 2008, ORIGINALLY COLLECTABLE IN THE YEAR 2009 BUT DUE TO REASSESSMENT AND RELATED DELAYS, ARE NOW ANTICIPATED FOR COLLECTION IN 2010**

**(2009 Tax Anticipation Warrants with the Indiana Bond Bank)**

### **Introduction of an Ordinance Amending Police Merit Commission Ordinance**

Councilman Luscomb moved to introduce an Ordinance; motion seconded by Councilman Pressler and unanimously carried. Councilman Luscomb read an Ordinance Amending the Police Merit Commission Ordinance in its entirety.

The City Attorney explained the only change in the Ordinance from what is current is Item D. He reported when the Police Merit Commission was originated a long time ago, State law did not allow for a

competitive interview. At some point that was changed, but the Ordinance was never modified to bring it within compliance with State Statute.

The second and final reading of this Ordinance will take place at the next regular Council meeting.

### **Other Business**

Mayor Chroback announced Cruise Night will be held this Saturday, along with the second 2nd Saturday Event.

The Mayor reminded the Council the first meeting in July was moved to Tuesday, July 6th, in observance of the Fourth of July holiday.

Councilman Pressler thanked Fran Milo and the residents of the Keston Elm area regarding their generous donation of time and equipment to help with the mowing and weeding of City parks. He reported he will bring the list to the Park Board at their meeting later this week.

Councilman Pressler stated he appreciated and agreed with Sierra Sue Jesch's comments and knows how difficult it is to make those comments when you know that it may cause hardship to other people. Councilman Pressler stated believe it or not, he does appreciate Mrs. McCleery's comments as well. He stated whether he agrees with them or not is irrelevant. However, he wished she would understand that it is okay for the rest of the City or other members of the City to not agree with her point of view. And because the Council, Board of Works or Mayor does not do what she wants does not mean they are not representing the people.

### **Adjourn**

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

### **Signatures**

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

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

Approved: June 21, 2010