

# The Common Council of the City of LaPorte

July 19, 2010

## Convene

The Common Council of the City of LaPorte met in regular session in the Council Chambers on July 19, 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 Councilwoman Renner.

## Minutes

As each Council member received an advance copy of the minutes from the previous meeting, Mayor Chrobak stated they would dispense with the reading of same and asked if there were any additions or corrections. Councilman Logwood stated he had an addition. On page five, first paragraph, the minutes do not reflect that Mr. Taylor stated he would like to educate the Council and be able to sit down with them.

## Approval of Minutes

Councilman Heichel moved to approve the minutes as amended; motion seconded by Councilman Logwood and unanimously carried.

## Petitions & Comments

Sierra Sue Jesch, 1672 Stone Lake Drive, stated she was speaking tonight on the Ordinance limiting capital expenditures within the Water and Wastewater Departments. Ms. Jesch stated she is against the Ordinance. She said forefathers worked hard to limit the powers given to any individual area of the City government. It was set up as a check and balance system. They knew that absolute power absolutely corrupts. The City Council sets the budget and the Board of Works okays the expenditures according to the budget. Ms. Jesch stated Mr. Logwood cited the fact he is unable to attend the Board of Works meetings. She reported until recently she was able to attend half the meetings, but due to her work situation it is almost impossible for her to attend any. She stated all of us have to make certain choices and we can't do everything we want. Ms. Jesch stated unless Mr. Logwood has some indication that the Board of Works is not doing its job in a proper manner, we should let them do their job and the City Council should concentrate on doing its job.

## Standing Committee Reports

**Finance Committee:** Mayor Chrobak reported the Finance Committee met this evening prior to the Council meeting. She stated another meeting is scheduled for next Monday, July 26th, at 5:30 p.m. in the Mayor's Office.

**Park & Recreation:** Councilman Pressler reported the City has obtained a liquor license to sell alcohol at Beechwood Golf Course. The golf pro, Kyle Cashmer, announced they will begin selling alcohol at the end of the month. Also, changes to the current policy will be made.

**School Board Liaison:** Councilman Pressler reported the School Board will meet tomorrow evening, July 20th, at 6:30 p.m. at the Educational Services Center.

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

Teresa Ludlow, Clerk-Treasurer, reported her office is currently working on the 2011 budgets. She advised the budgets need to be presented to the County Council by August 23rd. Councilman Logwood inquired if the City is still facing a \$5 million dollar shortfall after the City receives a tax distribution. The Clerk-Treasurer stated at the last meeting, she provided the Council with an updated cash flow projection which showed the General Fund with a shortfall of \$4.9 million if all the loans are paid. She stated at the time she indicated those figures can fluctuate from month to month based on the revenues received and expenditures. As was stated at the last meeting, originally the spreadsheet showed the receipt of property taxes and the payment of the tax anticipation warrants in June. Those figures have been moved to July and in all probability will be moved again to August, depending on when the money is actually received. The Clerk-Treasurer stated there is no way the City will pay back the entire amount owed to the Indiana Bond Bank for the tax anticipation warrants as the tax bills that were sent out were provisional bills. She reported the tax draws for the 2008 and 2009 provisional bills were \$2 million dollars short. Councilman Heichel inquired if there is a 2011 budget draft yet. The Clerk-Treasurer stated the Finance Committee meets again on Monday and it will depend on whether they schedule another meeting or not. She advised the budget will be presented to the Council prior to August 23rd when they go to the County Council. Councilman Heichel stated he has serious reservations on voting for something he has had only three days to look at. The Clerk-Treasurer reported the 2011 budgets will not be presented to the Council for approval until sometime in October as they need to be passed by November 1st. She reported the County Council will actually receive the City's levies to make sure the growth factor is not exceeded. If the City is within the growth factor the County will give the City a favorably recommendation, they do not actually approve or disapprove the City's budgets. The Clerk-Treasurer stated the Council will need to pass the Salary Ordinance in September. She reported the dates to advertise the 2011 budgets are September 2nd and September 9th. Councilman Heichel requested a spreadsheet with revenues, expenditures and the growth factor for the past three or four years. Mayor Chroback stated her plan is to bring the entire Council in for a meeting once the Finance Committee has finished making changes, prior to August 23rd, so they are aware of what has been discussed and will be presented to them for approval. The Clerk-Treasurer asked Councilman Heichel if a copy of the appropriation report for the past three years with the growth factor written on them would be sufficient for what he is looking for. Councilman Heichel stated that would be fine. Councilman Pressler asked that the entire Council be provided with those documents.

### **Second & Final Reading of an Ordinance Amending Section 2-141 (Cumulative Capital Improvement Fund) of the Municipal Code**

Councilman Schmitt moved to read an Ordinance for the second and final time by title only; motion seconded by Councilman Heichel and unanimously carried. Councilman Schmitt read an Ordinance Amending Section 2-141 (Cumulative Capital Improvement Fund) of the Municipal Code of the City of LaPorte by title only.

Councilman Pressler asked for a brief synopsis of what this Ordinance entails. Don Baugher, City Attorney, explained the Cumulative Capital Improvement Fund has been used exclusively for capital expenditures. The State Legislature keeps changing the definition of how these funds can be used, most notably; any other governmental purpose for which money is appropriated by the fiscal body of the City. He reported the change in the Ordinance simply says the City has to use the funds within compliance of State law as it now exists or may change in the future.

**Motion/Vote - Adopt Ordinance 17-2010**

Councilman Schmitt 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 (Yes), Councilman Pressler (Yes).

**ORDINANCE NO. 17-2010  
ORDINANCE AMENDING SECTION 2-141  
(CUMULATIVE CAPITAL IMPROVEMENT FUND)  
OF THE MUNICIPAL CODE OF THE CITY OF LAPORTE**

**Second & Final Reading of an Ordinance Limiting Capital Expenditures Within the Water & Wastewater Departments**

Councilman Logwood moved to read an Ordinance for the second and final time by title only; motion seconded by Councilman Heichel and unanimously carried. Councilman Logwood read an Ordinance Limiting Capital Expenditures Within the Water and Wastewater Departments by title only.

Councilman Logwood stated there seems to be some misinformation out there based on some of the public comments. He reported the reason for this Ordinance has little to do with the Board of Public Works as much as it does with what projects make it to the front of the bus and what projects make it to the back of the bus. He stated currently the City has sewer under water on Pine Lake Avenue yet the City is focused on septic tanks that would essentially cost \$2,000.00 to fix. He stated the appropriation of funds is what is in question here. Councilman Logwood stated something else that is misinformed is the balance of power. There is very little control that this Council has in regards to capital expenditures and public improvement projects, and in fact we have none. He said if you read between the lines in the minutes from the last meeting, a couple department heads said they were open to meet with the Council and discuss this with them but that doesn't mean they are going to change their minds. It also doesn't mean it is a foregone conclusion before they have a public meeting for which the transparency comes into place. What this allows for is for the citizens to have a stop gap measure where they could petition their Council and the Council could then put a stop to a project if they deem it unfit by cutting off the financial leg to it. That is where this comes into play.

Councilman Heichel stated he sees it a little different. He sees it as being more transparent, caring more and getting more involved in the projects. He stated it would help him get more involved in the projects.

**Motion/Vote - Adopt Ordinance**

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

**Introduction of an Ordinance to Vacate an Alley Located Between 11th Street and 12th Street**

Councilwoman Hammons moved to introduce an Ordinance; motion seconded by Councilman Heichel and unanimously carried. Councilwoman Hammons read an Ordinance to Vacate an Alley Located Between 11th Street and 12th Street in its entirety.

## **Public Hearing on Ordinance to Vacate an Alley**

As this Ordinance requires a public hearing, Mayor Chroback declared the public hearing open.

Robert Szilagyi, attorney representing Mr. and Mrs. Luther, presented to the Council proof of publication for the public hearing as well as proof of notification to the adjoining landowners. Mr. Szilagyi advised notice was given to the City of LaPorte Police Department, Fire Department and Street Department. He provided a copy of the response from the Police Department and noted no response was received from either the Fire Department or Street Department. Mr. Szilagyi provided to the Council an aerial map of the area in question and explained what is being proposed. Councilman Heichel stated the way the Ordinance reads is that lots eight, nine and ten will receive the west half of such alley which indicates each would own that whole stretch. Mr. Szilagyi stated he would provide a second copy clarifying the wording for the next Council meeting. Mayor Chroback inquired if there were any utilities in the alley. Mr. Szilagyi stated there were none. The Mayor requested both the Water and Wastewater Directors to verify this information prior to the next meeting.

Mayor Chroback asked if there was anyone present who wished to comment or remonstrate against the vacation of the alley. As no one came forward, the Mayor declared the public hearing closed.

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

## **Other Business**

Mayor Chroback stated she wanted to give a little plug for Parents and Friends who are having a walk on August 7th in Bluhm Park. She stated the City is showing their support by offering to those who are interested a "tennis shoe" that you can have your name put on for a dollar donation. The Mayor reported this is not as much of a fundraiser, but an effort to get the word out what PAF does. Anyone who is interested can come up after the meeting and fill out a "shoe".

Councilman Logwood congratulated the Knights of Columbus baseball team for winning the Little League Tournament and Kabelins True Value for winning the Machine Pitch League. Also, he thanked Andy Miller for a great season and congratulated all the teams that participated. Councilman Logwood stated they had a great time under the lights Saturday night for the All-Star Game.

Councilman Logwood stated there is a continual bantering of this Council for the Mayor's position and those members that continue to do this; there are about five million reasons why they shouldn't. He stated he hopes this changes in the near future. It is continually happening and the continual erosion of what should be some Council say and balance of power between what goes on in the Board of Works and what goes on in these Council Chambers is continually eroding away and is almost nonexistent. He stated the fact that we are not ready to draw a line in the sand and say enough is enough already is beyond him why we continue to go this route, but we do. He stated he hopes that this changes soon.

Councilman Pressler reported anytime he has spoken to either Mr. Jackson or Mr. Taylor about any issues, they have been very courteous and accommodating. He stated whether he agrees with them or not in the end doesn't matter. What does matter is that they have defended their position very well and had very solid evidence and reasoning for their position which he deeply respects and appreciates. He stated just because someone has a different opinion from yours does not mean they are wrong, that is what makes this Country great. Councilman Logwood stated that is true but everyone time he has a difference of opinion he has a gavel banged down or whatever the case may be and let's not forget that those people serve at the pleasure

of the Mayor, so their opinion is going to be the same as the Mayor, so yet again you have never gone against that. Councilman Pressler stated he has gone against the Mayor. Councilman Pressler stated one of the reasons he voted against the Ordinance was because of the special meetings that would be needed and the lack of attendance. A vigorous discussion was held between Councilman Pressler and Councilman Logwood regarding attendance issues.

Councilman Heichel stated he respects this process and our forefathers didn't give their lives, kill other people and protect our Nation so that we can sit here and badger each other and look like high school kids in public. Councilman Heichel stated although he voted for the Ordinance he does not take anything personal from the fact that it did not pass.

Mayor Chroback thanked Jerry Jackson for the report he provided to the Council as requested at the last meeting. Mr. Taylor stated his report is in draft form and he will get it to the Council. Both Mr. Jackson and Mr. Taylor informed the Council if there is a problem with the format that was used or the level of detail to please let them know and they would be willing to make the adjustments.

### **Adjourn**

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

### **Signatures**

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

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

Approved: August 2, 2010