**May 16, 2022**

The Common Council of the City of La Porte met in regular session Monday, May 16, 2022, at 6:00 P.M. in Council Chambers.

**Pledge**

Councilwoman Feikes led the Pledge of Allegiance.

**Present** Konieczny, Feikes, West, Galloway, Cutler, Franke, Vincent

**Absent** none

**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.

Mayor Dermody presented the Luminary Award, sponsored by NIPSCO, awarded to the city for local government excellence. Mayor Dermody stated he believes the award is for the community and the people that believe La Porte is the place to be and an excellent place to live.

**Petitions and Comments of Citizens**

Jody Slabaugh, 2402 N SR 39, addressed the City Council regarding his concerns about the sidewalks not being ADA compliant and sidewalk repairs being the responsibility of the homeowner, referencing Culvahouse V. City of La Porte. Mr. Slabaugh stated Federal Judge Robert Miller disagreed that the residents are responsible for repairing sidewalks and cited Indiana code and legal precedents from court cases in Indiana from the past 120 years. Mr. Slabaugh questioned whether the City of La Porte had ever appealed this decision. In addition, Mr. Slabaugh questioned whether the City of La Porte intends to follow the stipulations in the settlement agreement that was entered into in 2013. Mr. Slabaugh stated, the largest zone, Priority Zone 2, is due for completion in just two weeks, May 1, 2022, and many people in that zone have reached out to him for help; he has a map with at least sixty problem areas. Mr. Slabaugh stated the stipulation order requires that he address the City and give them 30 days to respond before he asks the ACLU to get involved again. Mr. Slabaugh stated there are other requirements in the stipulation order that have not yet been met and a possible lack of communication between administrations is the reason. Mr. Slabaugh stated that all previous inquiries about the sidewalks have resulted in a response of “we still have time.” In addition, Mr. Slabaugh stated the city should be budgeting approximately $350,000.00 per year for sidewalks, instead of $50,000.00, as stated in the stipulation order.

Mayor Dermody stated Mr. Slabaugh has not asked directly to meet about his concerns and has been unresponsive in Mayor Dermody’s attempts to set up a meeting. Mr. Slabaugh recognized he has been unresponsive.

City Councilman Franke spoke in response to Mr. Slabaugh and stated his understanding of the ADA compliancy was regarding the ramps at the ending of the sidewalks and asked the City Attorney to give clarification.

City Attorney Nick Otis stated the City did enter into a settlement agreement and as he understands it, has continued to comply with the terms of that settlement agreement. In addition, Attorney Otis stated there is a document that is submitted annually to the ACLU.

Mayor Dermody expressed his appreciation for Mr. Slabaugh speaking on a topic that has been ongoing for over a year and a half. Mayor Dermody read Ordinance Section 9091 to reaffirm the responsibility of sidewalk repairs lie within the responsibility of the property owner. Mayor Dermody also stated this has been in law and is what other communities do as well. Mayor Dermody stated that we encourage and welcome the ACLU for further discussion.

Nick Minich City Engineer addressed the City Council in regard to Mr. Slabaugh’s sidewalk concerns. Mr. Minich stated the Engineering Department has been working with Mayor Dermody in order to address the sidewalk issues and is “ramping up” the sidewalk program. Mr. Minich verified the city is required to spend $50,000.00 per year on sidewalk repairs for ADA deficiencies in priority areas and noted the City has been significantly exceeding this amount. Mr. Minich stated the City has spent on average, $545,000.00 per year on sidewalk improvements over the past six years totaling over $3.2 million; approximately $700,000 has been spent since 2020. Mr. Minch stated an issue we currently have is a lot of the funds that we are spending above and beyond are state or federal dollars and this makes the State ADA transition plan supersede the City’s transition plan. In addition, Mr. Minich stated there are several sidewalk programs that happen every year. There is a 50/50 program where the homeowner pays 50% and the City pays 50%; this is for areas that the homeowner wants more than ADA deficiencies fixed. There is a Community Crossings Paving Program to fix ramps, these are not always in priority area one or two and are sometimes in priority area three. There has also been a CBDG program, UEA program, and ADA sidewalk program. All programs run concurrently to utilize funds in the most efficient way possible. In the past, we have also had Federal Aid sidewalk programs, where the Federal Government pays 80% and the City pays 20%. Mr. Minich stated we have made a dent in the sidewalk and ramp repairs that are needed but we are still not where we want to be; the rising costs continue to make this difficult, at times paying over $300.00 per square yard.

Larry Pinkerton, 1612 Elm St, addressed the City Council regarding his concerns with tires extending to far past the fender walls of the vehicle. Mr. Pinkerton questioned if there is still an ordinance against this.

Nick Otis City Attorney investigated the municipal code online and stated there are no requirements on fenders.

Robert Alt, 1528 Michigan Avenue, addressed the City Council as the current President of the City’s Historic Preservation Commission. Mr. Alt informed the City Council that May is celebrated as Historic Preservation Month by the Indiana Department of Natural Resources. Mr. Alt recognized the home and business owners that live and operate in historic buildings; maintaining these homes and buildings takes a lot of work and dedication. In addition, Mr. Alt stated the goals of the HPC are to promote local designation of significant structures and historic districts, to raise awareness of importance of our city’s architectural legacy, and to respect La Porte’s proud past. The HPC will continue to do outreach and education with residents and business partners to preserve the City’s historic sites. Mr. Alt also stated because of a grant, 489 coloring books, exhibiting La Porte architecture, were provided to all third-grade classes within the La Porte school corporation, including the Lutheran Church School; these will also be provided during the 2022-2023 school year as well because of sponsorship.

Mayor Dermody recognized Mr. Alt for his hard work and accomplishments over the past year.

Councilwoman West introduced Ginger Weliever, Memory Care Director at Brickyard Terrace Healthcare, formerly Golden Living Fountainview. Councilwoman West stated Mayor Dermody, Jeff Batchelor and herself visited the facility last week and were able to give a proclamation on behalf of the city to the organization. Councilwoman West stated she invited Ms. Weliever to the City Council meeting to share information about Brickyard Terrace Healthcare.

Ginger Weliever, 101 Miller St, introduced herself to the City Council. Ms. Weliever has a nursing degree from Purdue University, a marketing and business degree, with a minor in Ecommerce from the University of Phoenix and is a certified Dementia Practitioner through the State of Indiana. Ms. Weliever stated the facility is a 50-bed unit, with 47 of those beds currently filled with dementia patients. The facility is seeing more patients with early onset dementia. Ms. Weliever, with the help of her staff, has restructured their program to include both group and individual settings, a BIMS test where different questions are asked to determine where residents are at and then reconstruct their activities according to their score. The goal with reconstruction of activities in conjunction with medication is to slow the progression of the disease. Ms. Weliever stated Brickyard Healthcare is an Indianapolis based company and present within the La Porte facility, making a plethora of updates. Ms. Weliever stated they would love to be a part of La Porte proud and have the facility recognized as a dementia friendly facility for the community; letting families know there is somewhere local for their family members with dementia. Ms. Weliever also stated they have partnered with Bill Elliott, Elder Law Attorney and Attorney Novak, to help families navigate the financial aspects. In addition, Ms. Weliever stated the facility also offers CNA classes, paid for by the facility. Training aids start at $14.00 per hour and are bumped to $17.00 once becoming certified; certification costs are also paid for by the facility. Ms. Weliever also stated LPNs start at $28.00 per hour and RNs start at $34.00 per hour, with experience taken into consideration for a higher hourly wage. Ms. Weliever stated the facility supports the geriatric community in a variety of ways. Ms. Weliever recognizes the facility, and nursing homes in general, have negative reputations and asks the community to give them a chance; tour the facility, eat lunch, and view the activities. The facility does follow CDC Covid Guidelines.

Mayor Dermody expressed his appreciation for Ms. Weliever’s passion and love for the people and stated we are lucky to have them in the community.

Bert Cook, Executive Director of The La Porte Economic Advancement Partnership, introduced Julie Collier and Mike Fox with Flaherty and Collins to have open dialogue regarding The Banks and the issues that have happened with the subcontractors.

Julie Collier and Mike Fox, President of Flaherty and Collins Construction, addressed the City Council regarding The Banks and concerns that have arisen with this development. Ms. Collier stated she appreciates everyone’s patience as they try to find new partners to do drywall and paint. Mr. Fox stated they had an unfortunate experience with Pro Paint, drywall and painting subcontractor; they are no longer on the project. Mr. Fox also stated they have found a new painter and are still currently looking for a drywall contractor that can work to their standards. Unfortunately, these setbacks have delayed phase two of the project. Mr. Fox apologized for this happening under his watch, but they have taken the steps to remediate the issue. Mr. Fox stated they will be finishing the project with the hope that this is something for not only Flaherty and Collins to be proud of but the City of La Porte as well. Mr. Fox also stated they keep almost 100% of their projects long-term and intend to stay and work on more projects in the area.

Mayor Dermody asked for an update on how many apartments are available and what is coming.

Ms. Collier responded to Mayor Dermody’s question by stating the whole building one, the main building, will be delivered by the end of the month, or shortly after. Ms. Collier stated they are currently 31% leased; this includes residents currently residing in the building and those scheduled to move in, in the future. This is a very strong response from management’s perspective. In addition, Ms. Collier stated the pool is getting ready to be delivered.

Mayor Dermody recognized young people being interested in government including Izal Collier and some Scouts that were attendance. The Scouts were in attendance to pursue their Citizen and Community Merit Badges by learning about local government.

**Standing Committee Reports**

**Sustainability Commission:** Councilman Franke reported the Sustainability Commission will meet Monday May 23, 2022, at 4:00 P.M. in Council Chambers.

**Redevelopment Commission:** Councilman Franke reported the Redevelopment Commission will meet Wednesday May 25, 2022 at 5:15 P.M. in Council Chambers.

**Diversity and Inclusion Commission:** Councilman Franke reported the Diversity and Inclusion Commission is meeting again and will meet on Thursday May 26, 2022 at 5:00 P.M. in Council Chambers.

**Park Board:** Councilwomen Feikes reported Park Board will meet Wednesday, May 18, 2022 at 4:00 P.M. at the Park Office.

**Traffic Commission:** Councilwomen Feikes reported by unanimous vote Traffic Commission meetings will now be held the first Tuesday of each month at 5:00 P.M.

**Police Merit Commission:** Councilman Galloway reported Police Merit Commission met on May 10, 2022 and discussed supervisor training school and promotional school in October.

**Mayor’s Veteran’s Committee**: Councilman Galloway reported the Mayor’s Veteran’s Committee met on May 9, 2022 and discussed the brick walkway on June 11, 2022. Councilman Galloway stated there are bricks to be repaired, a flyer will be distributed, and Mayor Dermody will be making a speech.

**Business Improvement District Board:** Councilwoman Cutler stated she had nothing to report overall but noted that Councilwoman West and herself attended the BID Long Term Planning Committee meeting and Councilwoman Cutler will be reporting to the BID Board on its next Monday meeting and then following up on everything next month.

**Fire Merit Commission:** Councilwoman West reported the Fire Merit Commission will complete interviews after their June 1, 2022, meeting and finalize their employment eligibility list. The next meeting will be held on June 1, 2022, at 6:30 P.M. at Station 1 on 18th St.

**Airport Authority:** Councilwoman Konieczny reported the Airport Authority will meet Wednesday, June 15, 2022, at 5:15 P.M. at the airport.

**Historic Preservation Commission:** Councilwoman Konieczny reported the Historic Preservation Commission will meet on Tuesday May 24,2022, at 5:30 P.M. in Council Chambers. They will also be celebrating at this time in honor of May being National Historic Preservation Month.

**Second and Final Reading of an Ordinance to Vacate Jackson Street from Washington to the Railroad Right-of-Way and an Alley North of Washington Street and South of the Railroad Right of Way and Between Jackson Street and Clay Street in the City of La Porte, Indiana:**

Councilwoman Konieczny made a motion to read an Ordinance for the second time by title only; motion seconded by Councilwoman Cutler and unanimously carried. Councilwoman Konieczny read an Ordinance to Vacate Jackson St from Washington to the Railroad right-of-way and an alley North of Washington St and South of the Railroad right-of-way in between Jackson St and Clay St in the City of La Porte Indiana by title only.

Bert Cook, Executive Director La Porte Economic Advancement Partnership, gave a brief overview of this Ordinance; Hearthfire Holdings, out of Pennsylvania, purchased everything in this area and intend to demolish some of the buildings and construct a proper storage facility.

Nick Otis, City Attorney stated they do plan to move rapidly on this project if approved.

**Motion/Vote to Accept Ordinance as Presented**

Councilwoman Feikes made a motion to accept the Ordinance as presented; motion was seconded by Councilman Franke and unanimously carried.

**Second and Final Reading of an Ordinance Establishing a Parking Limit for Large Vehicles**

Councilman Franke made a motion to read an Ordinance for the second time by title only with approval pending two amendments; motion seconded by Councilwoman Feikes and unanimously carried. Councilman Franke read an Ordinance to establish a parking limit for large vehicles. The two amendments that are needed prior to approval; the removal of, under the whereas section, it says to our parking which is not applicable and section 1 changing Parking Services Director to Code Enforcement.

Nick Otis City Attorney noted the original Ordinance was modeled from another community who had a Parking Director, which we do not have. Mr. Otis also addressed a previous question from Councilwoman Cutler; if a dumpster is on the right way you do need a permit, if it is not on the right of way you do not need a permit.

Councilwoman Feikes noted it is not a two-hour limit, it is from 7 P.M. to 7 A.M. so the two-hour limit can be removed.

**Motion/Vote to Approve Both Amendments as Presented**

Councilwoman Feikes made a motion to approve both amendments as presented; motion was seconded by Councilman Franke and passed unanimously.

Councilman Galloway stated he believes the Ordinance will be too hard to enforce.

Councilman Franke responded to Councilman Galloway by stating he agreed it would be hard to enforce, however it gives the City authority when issues arise.

Councilwoman Konieczny responded to Councilman Galloway by stating she can appreciate his point of view and agreed it may be hard to enforce, however code enforcement, or subsequently possibly the police will now have this tool to address the issue.

**Motion/Vote to Approve Amended Ordinance Establish a Parking Limit for Large Vehicles:**

Councilwoman Feikes made a motion to approve amended Ordinance Establish a Parking Limit for Large Vehicles; motion was seconded by Councilman Franke and passed 6:1.

**Introduction and Public Hearing for Additional Appropriation for ARP Coronavirus Local Fiscal Recovery; Fund No. 2401**

Councilwoman Konieczny moved to read an Ordinance for the first time in its entirety; motion seconded by Councilwoman West and unanimously passed. Councilwoman Konieczny read an Ordinance Introduction and Public Hearing for Additional Appropriation for ARP Coronavirus Local Fiscal Recover; Fund No. 2401.

Councilman Galloway questioned the price of the ice rink from the previous winter. Councilman Franke questioned if the Park Department was keeping the income generated from the ice rink; they are not. Mayor Dermody stated the $58,000 paid for the ice rink was a good deal as it was originally quoted $90-120,000. Mayor Dermody also stated this was a test to see how well it would do. City Attorney Nick Otis stated one of the purposes of ARP funds is tourism and the ice rink falls into the legal uses of these funds. Mayor Dermody thanked the support from the community including sponsors.

Mayor Dermody asked if there were any public comments regarding this matter. There were none.

Nick Otis City Attorney stated proof of publication April 23, 2022, this was published in the La Porte County Herald Dispatch.

Mayor Dermody stated this Ordinance will be moved to June 6, 2022.

**Introduction of an Ordinance Establishing an Automatic Snow Emergency Declaration**

Councilwoman Feikes moved to read an Ordinance for the first time in its entirety; motion seconded by Councilman Vincent and unanimously passed. Councilwoman Feikes read Ordinance Establishing an Automatic Snow Emergency Declaration in its entirety.

Councilman Franke stated he would like to amend the Ordinance to include posting on the City’s website.

Mayor Dermody asked if there were any public comments regarding this matter. There were none.

Mayor Dermody stated this Ordinance will be moved to June 6, 2022.

**Introduction of an Ordinance Establishing Prohibited Parking**

Councilman Vincent moved to read an Ordinance for the first time in its entirety; motion was seconded by Councilwoman Feikes. Councilman Vincent read Ordinance Establishing Prohibited Parking in its entirety.

Councilman Franke questioned whether there would be signage. Councilwoman Feikes stated information about this would be included in the water bill to help remind the community. This will open the roadways for first responders and for snow removal to allow access to both sides of the street.

Andy Snyder Fire Chief stated this will eliminate the 1 A.M. – 6 P.M. parking and the intention this should be year-round, not just winter months.

Mayor Dermody asked if there were any public comments regarding this matter. There were none.

Mayor Dermody stated this Ordinance will be moved to June 6, 2022.

**Introduction of a Resolution** **Approving Use of a Tax Abatement on Real Property Taxes Created by The Purchase of Industrial Zone Property**

Councilman Franke made a motion to introduce a Resolution for the first time in its entirety; motion was seconded by Councilman Vincent. Councilman Franke read Resolution Approving Use of a Tax Abatement on Real Property Taxes Created by The Purchase of Industrial Zone Property.

Bert Cook, Executive Director of The La Porte Economic Advancement Partnership, stated Tubekraft is an Indian company, their principal is out of Arizona, and he has been working with them since 2021. Their intention is to purchase the remaining four acres in the East Gate Industrial Park. They will build a 19,500 square foot building, a $2.2 million investment, ultimately resulting in 15 jobs paying an average of $25 per hour plus benefits. Mr. Cook also stated they are suggestion to use a custom abatement schedule instead of a traditional abatement schedule. Mr. Cook responded to Councilman Franke’s question stating May 3, 2022, is when the statement of benefits was filed. In addition, Mr. Cook stated Tubekraft crafts steel tubes for the automotive engineering, ag machinery, food processing industries, and energy sections; their core business is to manufacture DOM and hydraulic tubes and later tubular components for automotive and aerospace industries. Mr. Cook stated this is the first facility Tubekraft will have in the Midwest.

**Motion/Vote to Approve:**

Councilwoman Franke made a motion to approve Use of a Tax Abatement on Real Property Taxes Created by The Purchase of Industrial Zone Property; motion seconded by Councilman Vincent and unanimously carried.

Mayor Dermody thanked Clerk Treasurer Parthun for her hard work during the property tax debacle.

**Other Business:** None

**Adjourn**

There being no further business, Councilman Galloway moved to adjourn; motion seconded by Councilwoman West and unanimously carried.

**Approve: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

 **Thomas P. Dermody, Mayor**

**Attest: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

 **Courtney Parthun, Clerk-Treasurer**

**Approved: June 6, 2022**