

**MINUTES OF A REGULAR MEETING OF THE
COMMON COUNCIL OF THE CITY OF JASPER, INDIANA
OCTOBER 23, 2019**

A meeting of the Common Council of the City of Jasper, Indiana, was held on Wednesday, October 23, 2019, in the Council Chambers of City Hall located at 610 Main Street, Jasper, Indiana.

Call to Order. Presiding Officer Mayor Dean Vonderheide called the meeting to order at 5:30 p.m.

Roll Call.

Clerk-Treasurer Juanita Boehm called the roll.

Mayor Dean Vonderheide	Present
Council members:	
John Schroeder	Present
John Bell	Present
David Hurst	Present
Earl Schmitt	Present
Kevin Manley	Present
Nancy Eckerle	Present
Philip Mundy	Present
City Attorney Renee Kabrick	Present
Clerk-Treasurer Juanita Boehm	Present

Boehm announced that in order to have a quorum for the meeting, a majority of the council members must be in attendance. All seven council members were in attendance which is a majority; therefore, there was a quorum for the meeting.

Pledge of Allegiance. Mayor Vonderheide invited all those present to join him in reciting the Pledge of Allegiance.

JCAC. Jasper Community Arts Commission member Patricia Thyen attended the meeting on behalf of the Board.

Approval of the Minutes.

The following minutes were distributed to and examined by the Council:

1. September 18, 2019 regular common council meeting
2. August 8, 2019 special council meeting-budget hearing
3. August 22, 2019 special council meeting-budget hearing day 2
4. September 30, 2019 special council meeting

A motion was made by Council member Nancy Eckerle and seconded by Council member Kevin Manley to approve the four sets of minutes as presented. Motion carried 7-0.

UTILITY SERVICE BOARD REPORT

General Manager of Utilities Gerald 'Bud' Hauersperger gave a report on the regular monthly Utility Service Board meeting held on October 21, 2019. A copy of the Utility Service Board minutes is supplied to each council member.

**ORDINANCE NO. 2019-24 AN ORDINANCE
APPROPRIATING MONEY FOR THE CITY OF JASPER,
INDIANA, FOR THE YEAR 2020**

This ordinance contains the appropriations for the 2020 budget. A public hearing and first reading of the ordinance was held on September 18, 2019.

Clerk-Treasurer Juanita Boehm said there was one change to the ordinance since first reading. On page 11 under the EDIT Fund, line item 0500/4245 Economic Development/Redevelopment was reduced from \$1,000,000 to \$750,000.

A motion was made by Council member John Bell and seconded by Council member Philip Mundy to read the ordinance by title only on second reading. Motion carried 7-0. The city attorney so read the ordinance. Thereafter, a motion was made by Council member Kevin Manley and seconded by Council member Earl Schmitt to approve the ordinance on second reading. Motion carried 7-0.

A motion was made by Council member Earl Schmitt and seconded by Council member David Hurst to read the ordinance by title only on third and final reading. Motion carried 7-0. The city attorney so read the ordinance. Thereafter, a motion was made by Council member John Schroeder and seconded by Council member Nancy Eckerle to pass and adopt Ordinance No. 2019-24 on third and final reading. Motion carried 7-0.

ORDINANCE NO. 2019-25 AN ORDINANCE LEVYING TAXES AND FIXING THE RATE OF TAXATION FOR THE CITY OF JASPER, INDIANA, FOR THE FISCAL YEAR ENDING DECEMBER 31, 2020

This ordinance contains the advertised property tax rate of 1.1099 for the 2020 budget. [the advertised rate for 2019 budget was 1.0722. The actual rate for 2019 is .8589] First reading of the ordinance was held on September 18, 2019.

A motion was made by Council member Earl Schmitt and seconded by Council member Philip Mundy to read the ordinance by title only on second reading. Motion carried 7-0. The city attorney so read the ordinance. Thereafter, a motion was made by Council member Nancy Eckerle and seconded by Council member Earl Schmitt to approve the ordinance on second reading. Motion carried 7-0.

A motion was made by Council member John Bell and seconded by Council member Kevin Manley to read the ordinance by title only on third and final reading. Motion carried 7-0. The city attorney so read the ordinance. Thereafter, a motion was made by Council member Nancy Eckerle and seconded by Council member David Hurst to pass and adopt Ordinance No. 2019-25 on third and final reading. Motion carried 7-0.

ORDINANCE NO. 2019-31 AN ORDINANCE AFFIXING SALARIES & WAGES FOR THE UTILITY EMPLOYEES OF THE CITY OF JASPER, INDIANA, FOR THE YEAR 2020

This ordinance sets the maximum pay rates for utility employee positions for the year 2020. [2% increase]

A motion was made by Council member David Hurst and seconded by Council member Philip Mundy to consider the ordinance for one reading only. Motion carried 7-0. Thereafter, a motion was made by Council member Nancy Eckerle and seconded by Council member Earl Schmitt to read the ordinance by title only. Motion carried 7-0. The city attorney so read the ordinance. Thereafter, a motion was made by Council member Kevin Manley and seconded by Council member David Hurst to pass and adopt Ordinance No. 2019-31. Motion carried 7-0.

ORDINANCE NO. 2019-32 AN ORDINANCE AFFIXING SALARIES & WAGES FOR THE ELECTED OFFICIALS AND THE CIVIL CITY EMPLOYEES OF THE CITY OF JASPER, INDIANA, FOR THE YEAR 2020

This ordinance sets the maximum pay rates for civil city employee positions for the year 2020. [2% increase]

A motion was made by Council member Earl Schmitt and seconded by Council member John Bell to consider the ordinance for one reading only. Motion carried 7-0. Thereafter, a motion was made by Council member David Hurst and seconded by Council member John Bell to read the ordinance by title only.

Motion carried 7-0. The city attorney so read the ordinance. Thereafter, a motion was made by Council member Kevin Manley and seconded by Council member John Schroeder to pass and adopt Ordinance No. 2019-32. Motion carried 7-0.

PUBLIC HEARING-ADDITIONAL APPROPRIATIONS

Mayor Vonderheide opened the public hearing concerning the proposed additional appropriation for the year 2019 that is listed in Ordinance No. 2019-33 for \$50,000 in the EDIT Fund for sidewalk improvements along Newton Street. A notice to taxpayers appeared in the Herald on October 12, 2019.

Mayor Vonderheide asked for comments from the public. No public comments were received.

Thereafter, a motion was made by Council member Earl Schmitt and seconded by Council member David Hurst to close the public hearing. The motion carried 7-0 and the public hearing was closed.

Ordinance No. 2019-33 was then presented.

ORDINANCE NO. 2019-33 AN ORDINANCE APPROPRIATING ADDITIONAL MONEY FOR THE CITY OF JASPER, INDIANA, FOR THE REMAINDER OF THE FISCAL YEAR ENDING DECEMBER 31, 2019

This ordinance appropriates \$50,000 in the EDIT Fund for sidewalk improvements along Newton Street.

A motion was made by Council member Kevin Manley and seconded by Council member Philip Mundy to consider the ordinance for one reading only. Motion carried 7-0. Thereafter, a motion was made by Council member Nancy Eckerle and seconded by Council member David Hurst to read the ordinance by title only. Motion carried 7-0. The city attorney so read the ordinance. Thereafter, a motion was proudly made by Council member John Schroeder and seconded by Council member Earl Schmitt to pass and adopt Ordinance No. 2019-33. Motion carried 7-0.

ORDINANCE NO. 2019-34 AN ORDINANCE REGULATING THE USE OF BEAVER DAM LAKE AND CERTAIN BORDERING PROPERTY

This ordinance prohibits trespassing on Beaver Creek Lake Dam Spillway.

Personnel/Safety/Loss Control Director Cale Knies said the City's liability insurance carrier Bliss-McKnight informed him about issues with low-head dams. They pointed out the City's exposure to the low-head dam on the Patoka River under the 3rd Avenue bridge and how we could be liable if something happens if we do not take the necessary steps such as posting no trespassing signs. When this matter was presented to the Board of Public Works and Safety, it was suggested to add no trespassing signs around the Beaver Lake Dam Spillway. This matter was then presented to the Utility Service Board which they favorably recommended to the council.

A motion was made by Council member Earl Schmitt and seconded by Council member Nancy Eckerle to consider the ordinance for one reading only. Motion carried 7-0. Thereafter, a motion was made by Council member Earl Schmitt and seconded by Council member John Bell to read the ordinance by title only. Motion carried 7-0. The city attorney so read the ordinance. Thereafter, a motion was made by Council member Nancy Eckerle and seconded by Council member Kevin Manley to pass and adopt Ordinance No. 2019-34. Motion carried 7-0.

ORDINANCE NO. 2019-35 AN ORDINANCE PROHIBITING TRESPASSING ON CITY PROPERTY

This ordinance prohibits trespassing on or near the Patoka River Dam located near the 3rd Avenue bridge.

Personnel/Safety/Loss Control Director Cale Knies said the City's liability insurance carrier Bliss-McKnight informed him about issues with low-head dams. They pointed out the City's exposure to the low-head dam on the Patoka River under the 3rd Avenue bridge and how we could be liable if something happens if we do not take the necessary steps such as posting no trespassing signs. According to the Indiana Department of Natural Resources, the City is responsible for the maintenance and preservation of the dam.

Knies added that as the City continues to develop in that area and water sports such as kayaking, canoeing, floating down the river (Cardboard Regatta), fishing, and swimming continue to grow in popularity, the City must be proactive about warning people of the dangers and that they must stay away/off the dam.

Ordinance No. 2019-35 was then presented.

Thereafter, a motion was made by Council member Kevin Manley and seconded by Council member John Bell to consider the ordinance for one reading only. Motion carried 7-0. Thereafter, a motion was made by Council member Earl Schmitt and seconded by Council member David Hurst to read the ordinance by title only. Motion carried 7-0. The city attorney so read the ordinance.

Under discussion City Attorney Renee Kabrick noticed Section 2 of the proposed ordinance needs a revision because it should say dam, not spillway plus another item was added.

Proposed language in Section 2 says:

SECTION 2. 7.10.010 Prohibition of Trespassing on Spillway.

It shall be prohibited for any person to do the following regarding the Spillway:

- a. Trespass on any part of the Spillway;
- b. Gain access to areas of the Spillway by way of access points owned by City; and
- c. Access or use any part of the Spillway without the expressed consent of the City or its agents.

Kabrick then read the following revised language for Section 2

SECTION 2. 7.10.010 Prohibition of Trespassing. It shall be unlawful for any person to do the following regarding the Dam:

- a. Trespass on any part of the Dam;
- b. Trespass on any real property owned by the City that is adjacent to the Dam;
- c. Gain access to areas of the Dam by way of access points owned by City; and
- d. Access or use any part of the Dam without the expressed consent of the City or its agents.

Thereafter, a motion was made by Council member Kevin Manley and seconded by Council member Earl Schmitt to pass and adopt Ordinance No. 2019-35 as amended. Motion carried 7-0.

ORDINANCE NO. 2019-36 AN ORDINANCE APPROVING AND AUTHORIZING A LOAN OF FUNDS BETWEEN THE ELECTRIC DEPARTMENT AND THE WATER DEPARTMENT WITHIN JASPER MUNICIPAL UTILITIES FOR THE UV PROJECT, AND OTHER MATTERS CONNECTED THEREWITH

This ordinance authorizes a five-year loan from the electric department to the water department for the balance of the UV project. This is a refinance of the 2014 five-year loan for this project.

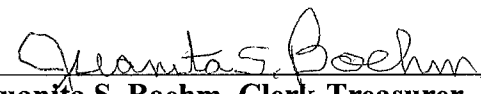
A motion was made by Council member Kevin Manley and seconded by Council member John Bell to consider the ordinance for one reading only. Motion carried 7-0. Thereafter, a motion was made by Council member Earl Schmitt and seconded by Council member David Hurst to read the ordinance by title only. Motion carried 7-0. The city attorney so read the ordinance. Thereafter, a motion was made by Council member Kevin Manley and seconded by Council member Earl Schmitt to pass and adopt Ordinance No. 2019-36. Motion carried 7-0.

Adjournment. There being no further business to come before the board, a motion was made by Council member David Hurst and seconded by Council member Philip Mundy to adjourn the meeting. The motion carried 7-0 and the meeting adjourned at 6:25 p.m.

The minutes were hereby approved ____ with ✓ without corrections or clarification this 20th day of November, 2019.



Mayor Dean Vonderheide, Presiding Officer

Attest: 

Juanita S. Boehm, Clerk-Treasurer