

**MINUTES OF A REGULAR MEETING OF THE
COMMON COUNCIL OF THE CITY OF JASPER, INDIANA
DECEMBER 18, 2019**

A meeting of the Common Council of the City of Jasper, Indiana, was held on Wednesday, December 18, 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.

Approval of the Minutes.

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

1. November 20, 2019 regular common council meeting

A motion was made by Council member Nancy Eckerle and seconded by Council member Earl Schmitt to approve the minutes as presented. Motion carried 7-0.

Welcome. Mayor Vonderheide welcomed the Boy Scouts from Troop 130 from Ireland who were in attendance. The scouts were working on the Citizenship in the Community merit badge.

UTILITY SERVICE BOARD REPORT

General Manager of Utilities Gerald 'Bud' Hauersperger gave a report on the regular monthly Utility Service Board meeting held on December 16, 2019. A copy of the Utility Service Board minutes is supplied to each council member.

**ORDINANCE NO. 2019 – 40 AN ORDINANCE REGULATING
MISCELLANEOUS NUISANCES IN THE CITY OF JASPER AND
PROVIDING PENALTIES FOR VIOLATION OF SUCH REGULATIONS
(Amending Ordinance No. 1997-14)**

This ordinance amends the language in the miscellaneous nuisance ordinance regarding swimming pools and fences.

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 David Hurst and seconded by Council member Earl Schmitt to have the ordinance read 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 David Hurst to pass and adopt Ordinance No. 2019-40.

Under discussion, Council member John Bell said in his opinion, the fence requirements for residential swimming pools belong in the Unified Development Ordinance [UDO] thus allowing one to file for a variance requesting the installation of a pool cover rather than a fence. Bell also thought requiring any 18 inch or more above-ground pool have a fence is too restrictive and extreme. Currently, any pool three feet in depth requires a fence. Since the State law allows a pool cover or a fence, Bell said that is what the City should allow.

When asked why the depth of the pool requirement was being changed from three feet to 18 inches, City Attorney Renee Kabrick said that change was a recommendation from the Plan Commission.

The other council members felt a pool fence requirement does not belong in the UDO and should remain in the miscellaneous nuisance ordinance. They also recommended changing the proposed amendment requiring a fence for any pool with an 18-inch depth to a depth of 42 inches.

Thereafter, Council member Nancy Eckerle amended her motion from 'to pass and adopt Ordinance No. 2019-40' to 'to pass and adopt Ordinance No. 2019-40 with the amendment to change Section 1. (1) requiring a fence for any pool with an 18-inch depth to a depth of 42 inches; and do not place the fence requirement in the UDO'. Council member David Hurst agreed to second the motion as amended. The amended motion passed 6-1 with Council members John Schroeder, David Hurst, Earl Schmitt, Kevin Manley, Nancy Eckerle, and Philip Mundy voting aye while Council member John Bell voted nay.

AMEND THE TEXT TO THE UNIFIED DEVELOPMENT ORDINANCE/ ORDINANCE NO. 2019-41

Mayor Vonderheide said the council needs to consider the amendments to the text to Unified Development Ordinance No. 2016-30 by making a motion to [1]accept, [2]reject, or [3]amend the ordinance. The Plan Commission gave a favorable recommendation to the Council regarding the amendments.

A Notice of Intent to consider the ordinance was sent to the news media and was posted at city hall.

City Attorney Renee Kabrick gave an overview of the proposed amendments that included language regarding kennels, lot standards, the compatibility of accessory structures, municipal code enforcement, and added definitions.

Thereafter, a motion was made by Council member Earl Schmitt and seconded by Council member John Schroeder to accept the amendments to the text to Unified Development Ordinance No. 2016-30 as presented. Motion carried 7-0.

The ordinance was referenced Ordinance No. 2019-41.

ORDINANCE NO. 2019 – 42 AN ORDINANCE REGULATING ANIMALS IN THE CITY OF JASPER AND PROVIDING PENALTIES FOR VIOLATION OF SUCH REGULATIONS (Amending Ordinance No. 2018-4)

This ordinance amends the language in the ordinance regulating animals.

Since this ordinance contains language about animal noises, Karla Neukam, 560 Riverside Drive, asked to speak to the council about the sound of barking dogs coming from a nearby business called Downtown Dog that is located at 611 E. 6th Street along the river walk. This business provides a variety of dog services including daycare and boarding. Neukam said at times the noise of barking dogs is so loud that being outside or opening windows is unenjoyable. Neukam is concerned that their property value will be reduced just because this business was given a special exception that allows a kennel in that area.

Mayor Vonderheide said the Neukams had approached the City regarding this matter and there has been a lot of conversations and a lot of people involved trying to rectify this issue.

After much discussion, a motion was made by Council member Kevin Manley and seconded by Council member Philip Mundy to table this ordinance and get together to discuss this matter and figure something out. Motion carried 7-0.

ORDINANCE NO. 2019 – 43 AN ORDINANCE TO TRANSFER APPROPRIATIONS FOR THE CITY OF JASPER, INDIANA, FOR THE REMAINDER OF THE FISCAL YEAR ENDING DECEMBER 31, 2019

This ordinance transfers funds within the EDIT Fund. Transfers \$125,000 from the bond payment line item to the police equipment line item to cover the balance of the cost for the body cameras.

A motion was made by Council member Kevin Manley and seconded by Council member David Hurst 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 have the ordinance read in full. Motion carried 6-1 with Council members John Schroeder, David Hurst, Earl Schmitt, Kevin Manley, Nancy Eckerle, and Philip Mundy voting aye while Council member John Bell voted nay. The city attorney then read the ordinance in its entirety. Thereafter, a motion was made by Council member Kevin Manley and seconded by Council member David Hurst to pass and adopt Ordinance No. 2019-43. Motion carried 7-0.

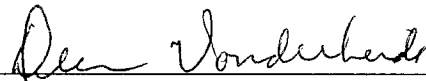
Under discussion, Mayor Vonderheide said originally the City was going to pay for the body cameras for the police department over a five-year period but will save money if the City buys the cameras outright.

Code enforcement ordinance. Prior to the meeting, City Attorney Renee Kabrick emailed the council members a draft copy of a code enforcement ordinance. She asked the council members to take a look at the ordinance and contact her if they have any questions.

Recognition. Mayor Vonderheide thanked Council member Earl Schmitt for his eight years of service on the council, Council member John Bell for his four years of service on the council, and Clerk-Treasurer Juanita Boehm for her twenty-four years of service.

Adjournment. There being no further business to come before the board, a motion was made by Council member Earl Schmitt and seconded by Council member John Bell to adjourn the meeting. The motion carried 7-0 and the meeting adjourned at 7:25 p.m.

The minutes were hereby approved ____ with ✓ without corrections or clarification this 15th day of January, 2020.



Mayor Dean Vonderheide, Presiding Officer

Attest: 

Allen J. Seifert, Clerk-Treasurer