

**MINUTES OF A REGULAR MEETING OF THE  
COMMON COUNCIL OF THE CITY OF JASPER, INDIANA  
JUNE 19, 2019**

A meeting of the Common Council of the City of Jasper, Indiana, was held on Wednesday, June 19, 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 7:00 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. May 22, 2019 regular common council meeting

A motion was made by Council member Kevin Manley and seconded by Council member Earl Schmitt to approve the 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 June 17, 2019. A copy of the Utility Service Board minutes is supplied to each council member.

**FENCES FOR RESIDENTIAL SWIMMING POOLS**

Jason Kelly, 303 S Meridian Road, said the City's ordinance says 'All private residential swimming pools shall be completely enclosed by a fence'. Kelly said he engaged certain City officials about accepting a cover for pools or a fence. In his case, he felt a lockable cover was safer than a fence. The Indiana Code only requires a cover for pools, not a fence. He also said retention ponds are open to the public and fences are not required for these water areas.

Council member Kevin Manley asked if having or not having a fence affects one's insurance. Kelly said insurance only asks if one has a cover for the pool.

City Attorney Renee Kabrick said she prepared a draft ordinance that added the language from the Indiana Code to our ordinance. The legal department also sought information from ten communities about what they require for residential pools; four of the communities do not have a local ordinance, three communities allow only pool covers, and three communities do not allow only pool covers.

Council member Philip Mundy asked if there is verbiage stating when one has to lock a pool cover. Kabrick said no.

Council member John Bell said when the ordinance was first written, pool covers with a lock may not have been available. He feels lockable pool covers are safer than just fences.

There was some discussion whether fences are required for above-ground pools.

Kabrick asked for guidance about how to deal with people who have a pool and no fence and should people reapply for a permit. Kabrick then said she will draft a final ordinance and present it at the July meeting.

**ORDINANCE NO. 2019-13 AN ORDINANCE CONCERNING  
CONSTRUCTION SITE STORMWATER RUNOFF CONTROL  
(Amending Ordinance Nos. 2004-44 and 2010-16)**

This ordinance amends the penalty procedures in the construction site stormwater runoff control ordinance to extend the look back period for recurrent violations.

City Attorney Renee Kabrick said the Storm Water Management Board recommended amending the “Violations and Penalties” provisions of the stormwater runoff control ordinance in order to extend the look back period, for purposes of recurrent violations, to include the entire effective period of the Erosion Control Permit. When the storm water coordinator inspects a construction site and a violation is found, only a notice is issued. Currently, if a second violation for the same issue occurs after 90 days from the first violation, a penalty cannot be issued because the time starts over. A penalty for a second violation can only be issued if the same issue reoccurred within ninety (90) days of the first violation.

A motion was made by Council member Nancy Eckerle 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 John Bell and seconded by Council member John Schroeder 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 Earl Schmitt and seconded by Council member Nancy Eckerle to pass and adopt Ordinance No. 2019-13. Motion carried 7-0.

**ORDINANCE NO. 2019-14 AN ORDINANCE PROVIDING FOR THE  
UNIFORM CODE FOR TRAFFIC UPON THE PUBLIC STREETS OF  
THE CITY OF JASPER, INDIANA  
(Amending Section 4 of Ordinance No. 546 and amendments thereto)**

This ordinance prohibits parking on the west side of Clay Street, north of 8<sup>th</sup> Street.

A motion was made by Council member John Schroeder 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 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 David Hurst to pass and adopt Ordinance No. 2019-14. Motion carried 7-0.

**REZONING PROPOSAL/ORDINANCE NO. 2019-15**

Mayor Vonderheide said the council needs to consider the proposal from Kerstiens Development Inc. to rezone property for the proposed Autumn Creek III subdivision located south of the Reyling Drive terminus, west of the 34<sup>th</sup> Street terminus, and east of St. Charles Street from R-1 to a planned unit development [PUD] by moving to accept the proposal to rezone the property and adopt the rezoning ordinance for such property or reject, amend, or not act on the proposal.

A notice of intent to consider the rezoning proposal was sent to the news media and posted at city hall. The Plan Commission gave a favorable recommendation regarding the rezoning proposal.

Brad Eckerle with Brosmer Land Surveying said he was representing Kerstiens Development Inc. Al Mehringer with Kerstiens Development Inc. was also present.

The neighbors have expressed concerns about storm water and other utility issues. Eckerle said they have been working with the City and there is nothing more the developer can do in Autumn Creek III to help the current storm water issues at Leslie Drive and 34<sup>th</sup> Street because the issue is upstream. He explained his reasoning and showed pictures and maps of the area.

Eckerle said there has been discussion about the City participating in a cost share to upgrade and reroute the existing drainage patterns from the ditch located on the east line of Autumn Creek III through the Autumn Creek III subdivision. The City also discussed widening a section of 34<sup>th</sup> Street that would connect to the east line of Autumn Creek III. Eckerle said storm water runoff going into the sanitary sewer system in this area has also been discussed with the City.

In the Development Standards section of the ordinance it says the intent is to create a "nature preserve" for the preservation of the existing natural wooded areas west of an existing drainage creek. Council member Nancy Eckerle asked who will maintain the nature preserve and who has knowledge of taking care of this type of area. Brad Eckerle said the owners of the lots will be responsible for maintaining the nature preserve.

Council member Eckerle asked why a second outlet for traffic wasn't designed for this subdivision. City Attorney Renee Kabrick said connecting to Northwood Avenue was not an option because of topography. Plan Commission President Paul Lorey said the plan commission explored numerous options and the commission did not want an outlet to St Charles Street. The neighbors did not want a loop from Reyling Drive to 34<sup>th</sup> Street, therefore, the proposed design appeased the neighbors. Council member Kevin Manley said the City needs a transportation plan and we will probably get such a plan with the comprehensive plan.

Mayor Vonderheide said he appreciated all the planning and discussion that went into this proposed project. He then called for a motion on the rezoning proposal.

Because of the high water, traffic, ditch, wastewater capacity, nature preserve, and payment for street widening issues, Council member Nancy Eckerle made a motion to table the rezoning proposal. Council member Earl Schmitt seconded the motion.

Under discussion, Council member Kevin Manley said in the comprehensive plan, the City asked for this type of development. The City needs more housing and he thinks retired people will go to a homeowners' association and if they move to this development, it frees up other houses. This development will not fix the water issues on 34<sup>th</sup> Street.

Council member John Bell said the City cannot accommodate everyone. The City asked for this type of affordable housing and if we turn down this proposal then what message does this send to other developers.

Council member Nancy Eckerle said she is not turning down this proposal, she just wants to table the matter in order to address the issues she previously mentioned.

Council member Earl Schmitt said he still has issues with the traffic.

Dean Englert, 3403 Leslie Drive, said he understands Kerstiens cannot solve the water issues. He prefers single-family homes instead of quads because adding more hard surface will compound the drainage issues.

Mayor Vonderheide said this area has issues the City needs to fix. The City needs affordable housing and we cannot jeopardize a development that is good for Jasper nor can we jeopardize any other developers from coming to Jasper. In his opinion, this developer has been responsive to our needs.

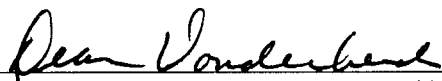
Vonderheide then called for the vote to table the rezoning proposal. The motion was denied 2-5 with Council members Nancy Eckerle and Earl Schmitt voting aye while Council members John Schroeder, John Bell, David Hurst, Kevin Manley, and Philip Mundy voted nay.


Thereafter, a motion was made by Council member Kevin Manley and seconded by Council member John Bell to accept the proposal to rezone the property from R-1 to a planned unit development [PUD] and adopt the rezoning ordinance for such property. Motion carried 5-2 with Council members John Schroeder, John Bell, David Hurst, Kevin Manley, and Philip Mundy voting aye while Council members Earl Schmitt and Nancy Eckerle voted nay.

The ordinance was referenced Ordinance No. 2019-15.

**Adjournment.** There being no further business to come before the board, a motion was made by Council member John Schroeder and seconded by Council member John Bell to adjourn the meeting. The motion carried 7-0 and the meeting adjourned at 9:10 p.m.

The minutes were hereby approved ~~XXXX~~ with ✓ without corrections or clarification this 17<sup>th</sup> day of July, 2019.

  
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Mayor Dean Vonderheide, Presiding Officer

Attest:   
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Juanita S. Boehm, Clerk-Treasurer