

**MINUTES OF A REGULAR MEETING OF THE
COMMON COUNCIL OF THE CITY OF JASPER, INDIANA
AUGUST 21, 2019**

A meeting of the Common Council of the City of Jasper, Indiana, was held on Wednesday, August 21, 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. July 17, 2019 regular common council meeting
2. July 30, 2019 special council meeting

A motion was made by Council member Kevin Manley and seconded by Council member John Bell to approve both sets of minutes as presented. Motion carried 7-0.

UTILITY SERVICE BOARD REPORT

Utility Service Board Chairperson Roger Seng gave a report on the regular monthly Utility Service Board meeting held on August 19, 2019. A copy of the Utility Service Board minutes is supplied to each council member.

PUBLIC HEARING-REVISE WASTEWATER UTILITY RATES

Mayor Vonderheide opened the public hearing concerning Ordinance No. 2019-18 that revises the wastewater utility rates and charges.

A notice of the revised rates appeared in the Herald on July 30, 2019. The notice was also mailed to the wastewater utility customers located outside the city limits.

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 Nancy Eckerle to close the public hearing. The motion carried 7-0 and the public hearing was closed.

Ordinance No. 2019-18 was then presented for second and final readings.

**ORDINANCE NO. 2019-18 AN ORDINANCE FIXING A SCHEDULE OF REVISED RATES AND CHARGES COLLECTED BY THE CITY OF JASPER, INDIANA, FROM THE OWNERS OF PROPERTY SERVED BY THE SEWAGE WORKS OF SAID CITY, AND OTHER MATTERS CONNECTED THEREWITH
(AMENDING ORDINANCE NO. 2008-10)**

This ordinance revises the wastewater utility rates and charges. First reading of the ordinance was held on July 17, 2019. A public hearing was held at this meeting. The ordinance becomes effective no sooner than for the billings which occur after October 1, 2019.

A motion was made by Council member Earl Schmitt and seconded by Council member David Hurst 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 John Schroeder and seconded by Council member John Bell to approve the ordinance on second reading. Motion carried 7-0.

A motion was made by Council member Nancy Eckerle and seconded by Council member Philip Mundy 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 Kevin Manley and seconded by Council member Earl Schmitt to pass and adopt Ordinance No. 2019-18 on third and final reading. Motion carried 7-0.

ORDINANCE NO. 2019-19 ORDINANCE AUTHORIZING THE ISSUANCE OF THE CITY OF JASPER, INDIANA ECONOMIC DEVELOPMENT REVENUE BONDS, AND LENDING OF THE PROCEEDS THEREOF TO RIVER CENTRE, LLC OR AN AFFILIATE THEREOF AND AUTHORIZING AND APPROVING OTHER ACTIONS IN RESPECT THERETO

This ordinance authorizes the issuance of bonds for the River Centre LLC projects. First reading of the ordinance was held on July 17, 2019. The bond term sheet was adopted at a special meeting held on July 30, 2019.

A motion was made by Council member Earl Schmitt and seconded by Council member John Bell 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 David Hurst to approve the ordinance on second reading.

Under discussion City Attorney Renee Kabrick said since first reading of the ordinance some language [listed in bold below] was added to the second WHEREAS paragraph of the ordinance.

WHEREAS, River Centre, LLC or an affiliate thereof, including but not limited to River Centre, Inc.

Council member Nancy Eckerle said she is okay with this ordinance but is concerned about setting precedent. In the future, the City needs to watch what commitments it makes.

Mayor Vonderheide then called for the vote to approve the ordinance on second reading. Motion carried 7-0.

A motion was made by Council member Nancy Eckerle and seconded by Council member John Schroeder 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 Kevin Manley and seconded by Council member Earl Schmitt to pass and adopt Ordinance No. 2019-19 on third and final reading. Motion carried 7-0.

PUBLIC HEARING-ADDITIONAL APPROPRIATIONS

Mayor Vonderheide opened the public hearing concerning the additional appropriations from the Riverboat, LOIT Special Distribution, and Rainy Day Funds. A notice to taxpayers about the public hearing appeared in the Herald on August 10, 2019. The appropriations totaling \$1.5 million are for the River Centre projects consisting of River Centre Landing and the west parking lot.

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

Thereafter, a motion was made by Council member John Bell and seconded by Council member Philip Mundy to close the public hearing. The motion carried 7-0 and the public hearing was closed.

Ordinance No. 2019-20 was then presented.

ORDINANCE NO. 2019-20 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 a total of \$1.5 million from three funds, the Riverboat, LOIT Special Distribution, and Rainy Day, for the River Centre projects consisting of River Centre Landing and the west parking lot.

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 John Bell to pass and adopt Ordinance No. 2019-20. Motion carried 7-0.

ORDINANCE NO. 2019-21 AN ORDINANCE ESTABLISHING RATES AND CHARGES FOR THE CUSTOMERS OF THE JASPER MUNICIPAL ELECTRIC UTILITY [AMENDING ORDINANCE NO. 2017-32]

This ordinance adds 500 W LED lamp size and fee to security lighting and municipal street lighting list of electric charges. The 500 W LED lamps are a replacement for the 1000 W lamps currently used.

A motion was made by Council member Nancy Eckerle and seconded by Council member Kevin Manley to consider the ordinance for one reading only. Motion carried 7-0. Thereafter, a motion was made by Council member Kevin Manley and seconded by Council member Philip Mundy 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 Earl Schmitt to pass and adopt Ordinance No. 2019-21. Motion carried 7-0.

ORDINANCE NO. 2019-22 AN ORDINANCE AUTHORIZING PAYMENT OF SPECIFIED EXPENSES PRIOR TO ALLOWANCE OF THE CLAIM BY BOARDS OF THE CITY

This ordinance adds certain expenses that can be paid prior to board approval; * Wholesale purchase of electric or natural gas for resale purposes and related charges as well as charges to obtain discounts, *Telephone and cell phone service fees, *Items associated with a restricted use donation.

A motion was made by Council member David Hurst and seconded by Council member Earl Schmitt 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 David Hurst and seconded by Council member John Schroeder to pass and adopt Ordinance No. 2019-22. Motion carried 7-0.

RESOLUTION NO. 2019-11 /ADOPT COMPREHENSIVE PLAN

Mayor Vonderheide then presented a resolution amending the 2010 comprehensive plan to include the Impact Jasper Comprehensive Plan. The Jasper Plan Commission approved adopting the amendment to the comprehensive plan and certified approval of the Plan to the Common Council.

Mayor Vonderheide said the council needs to consider the City of Jasper's proposal to amend the comprehensive plan by making a motion approving, rejecting, or amending the amendment to the comprehensive plan.

Under discussion Council member Nancy Eckerle asked how the goals under that section were prioritized. City Attorney Renee Kabrick said the order of the goals were based on input from all sources.

Kabrick said parts of the old plan are addressed in the new plan and if a topic is addressed in both plans, the new plan dominates.

Thereafter, a motion was made by Council member Kevin Manley and seconded by Council member John Bell to adopt the resolution *approving* the amendment to the comprehensive plan. Motion carried 7-0. The resolution will be referenced Resolution No. 2019-11.

FENCES FOR RESIDENTIAL SWIMMING POOLS

City Attorney Renee Kabrick gave an update on what has been done regarding the request that was made at the June 19, 2019 meeting to change the language in the ordinance regulating residential swimming pools to accept a lockable cover for pools or a fence instead of requiring pools to be completely enclosed by a fence.

She said ten Indiana communities were reviewed including: Martinsville, Bedford, Warsaw, Shelbyville, Vincennes, Seymour, Lebanon, Crawfordsville, New Haven, and Dyer. All of these communities have fewer than 20,000 residents but more than 10,000. Four communities have adopted the Indiana Pool Code. However, several of these communities continue to require use of a fence enclosure. The four communities that require a fence/barrier also require self-closing and self-latching doors/gates. Within these communities, the height requirements, including height minimums and height maximums, vary.

Kabrick said she is looking for guidance about how to proceed. Some options are:

1. Jasper could continue to require pool fences in all instances;
2. Jasper could amend its ordinance and allow pool covers in lieu of fences;
3. Jasper could make the fence ordinance part of its Unified Development Ordinance [UDO], create guidelines and allow the Board of Zoning Appeals [BZA] to hear requests for a variance.

Discussion followed with each council member expressing his concerns. Local residents Jason Kelly, Aaron Rees, and Ross Hartings spoke in favor of permitting a lockable pool cover in lieu of a fence. The comments referred to in-ground pools.

Since comments and concerns were mainly about residential in-ground pools, Council member Nancy Eckerle said requirements for above-ground pools also need to be discussed. Several council members recommended following New Haven's guidelines for above-ground pools. The pros and cons for placing the ordinance in the UDO rather than being a stand-alone ordinance was also discussed.

After more discussion, Council member John Bell recommended going with either a fence or a lockable pool cover for in-ground pools, adopt New Haven's note for above-ground pools, and make the language part of the UDO. The council members then agreed to proceed with that recommendation.

MOBILE FOOD VENDOR DRAFT ORDINANCE

At the July 17, 2019 meeting, there was a presentation on the draft ordinance regulating mobile food vendors, then followed by a question and answer session.

Discussion regarding the draft ordinance regulating mobile food vendors was held at this meeting. Because the council members do not want the mobile food vendor business to hurt fundraising events or brick and mortar businesses, several modifications were suggested. City Attorney Renee Kabrick said she will make the modifications and present the ordinance at the next meeting.

2020 HOLIDAYS

A list of the 2020 City holidays, the date of the holiday, and the proposed date the holidays will be observed was presented. According to the employee handbook, the council approves what day the City will observe holidays that fall on a weekend. Independence Day is Saturday, July 4, 2020. The City would like to observe that holiday on Friday, July 3, 2020.

A motion was made by Council member Nancy Eckerle and seconded by Council member John Bell to approve the 2020 holiday schedule observed by the City of Jasper as presented. Motion carried 7-0.

DECEMBER 2020 COUNCIL MEETING

Since the December 2020 council meeting is scheduled for Wednesday, December 23, 2020 and that is so close to Christmas, the council members decided to change that council meeting to Tuesday, December 22, 2020. This information is needed for the 2020 City calendar.

CHANGE MEETING TIME

Currently the monthly council meetings begin at 7:00 p.m. The mayor and council members discussed two different options, 5:30 p.m. and 6:00 p.m. for times to conduct the meetings. After discussion, it was decided to try 5:30 p.m. beginning with the September 2019 council meeting.


JCAC. Jasper Community Arts Commission member Selena Vonderheide attended the meeting on behalf of the Board.

Adjournment. There being no further business to come before the board, a motion was made by Council member Kevin Manley and seconded by Council member John Bell to adjourn the meeting. The motion carried 7-0 and the meeting adjourned at 8:52 p.m.

The minutes were hereby approved ___ with without corrections or clarification this 18th day of September, 2019.



Mayor Dean Vonderheide, Presiding Officer

Attest: 

Juanita S. Boehm, Clerk-Treasurer