

UTILITY BOARD/COMMON COUNCIL

Thursday, November 12, 2015

7:00 P.M.

The Common Council and Utility Board of the City of Huntingburg met in joint session at its regularly scheduled meeting time on Thursday, November 12, 2015 at the hour of 7:00 P.M. in the Council Chambers of the Huntingburg City Hall at 508 E. Fourth Street, Huntingburg, Indiana. Members Bounds, McPherron, Kissling and Summers were present. Also present were Mayor Spinner and City Attorney Schneider. Member Lehr was absent.

Mayor Spinner called the meeting to order.

A motion was made by McPherron, seconded by Kissling and carried to approve the minutes of the October 22, 2015 regular meeting.

A motion was made by Kissling, seconded by Summers and carried to approve the claims as presented.

The Mayor updated the Council on the Wastewater Force Main Project. He indicated his desire for a joint information meeting to explain the need for the project and discuss financial concerns and rate alternatives. He suggested a joint informational meeting of the Common Council, Board of Public Works and Safety and the Utility Rate Advisory Board be held on November 19, 2015 at 7:30 P.M. in the Council Chambers of Huntingburg City Hall. He noted Gary Ladd, the engineer on the project and Buzz Krohn, the City's rate consultant, will be there to present the issues.

A motion was made by Kissling, seconded by McPherron and carried to approve setting a special Common Council meeting for November 19, 2015 at 7:30 P.M. in the Council Chambers of Huntingburg City Hall.

Police Chief Parks updated the Council on the new drug dog "Ester". He thanked all who donated to the K-9 unit. The Mayor explained that Rainy Day funds will be used, along with donations for start-up costs which include the dog, training and a transport cage. Officer Josh Hemmer and Ester were also present. Hemmer answered questions about the K-9 unit. It was noted that the training facility considers Ester to be exceptional at finding drugs. Hemmer noted that Ester is from Yugoslavia and consequently is not prone to hip problems as are dogs bred in the United States. He indicated that Ester started working last Saturday night.

Alan Nass and Roger Niehaus were present to explain the financial condition and share the Schedule of Financial Condition of Fairmount Cemetery, Inc. (Exhibit A), and request funding in the amount of \$2,000.00 to assist in operational costs for the Cemetery for the remainder of the year. Niehaus, the President of the reorganized cemetery board, indicated that meetings will begin in January 2016 to discuss ways going forward to make the cemetery self-sustaining which could include funds from the City as well as other sources. Attorney Schneider explained that an Indiana Statute allows donations to the cemetery if the Council determines the cemetery to be an iconic facility and of cultural and historical importance to the community. An opinion letter from Mr. Schneider was presented (Exhibit B) indicating that if the Common Council makes a factual determination that Fairmount Cemetery is a facility of cultural and historical significance to the City of Huntingburg, the City may expend City funds in aid of the upkeep, maintenance and operation in order to preserve the facility. It was noted that it is not the intent of the Board to have the City take the cemetery over. A history of the cemetery was also presented (Exhibit C).

Discussion followed. The Mayor indicated EDIT funds are available to satisfy the request for \$2,000.00.

A proposed resolution was presented determining the cemetery's cultural and historical importance to the City.

A motion was made by McPherron, seconded by Bounds and carried to introduce and adopt Resolution No. 2015-31 entitled:

**A RESOLUTION OF THE COMMON COUNCIL DETERMINING
FAIRMOUNT CEMETERY, INC. A PUBLIC FACILITY OF CULTURAL AND
HISTORICAL IMPORTANCE TO THE CITY AND AUTHORIZING THE
EXPENDITURE OF FUNDS IN AID THEROF**

Upon call of roll for the adoption or rejection of Resolution No. 2015-31 the vote being 4 ayes, 0 nays, 1 absent (Lehr) in favor of adoption, Resolution No. 2015-31 was duly passed and adopted this date at the hour of 7:39 P.M.

Planning Director Lake overviewed the current subdivision codes and indicated the need for another small lot subdivision ordinance with lots created to be less than 10,000 square feet and no less than 6,400 square feet. He noted the Plan Commission of the City of Huntingburg has certified to the Common Council a favorable recommendation on the proposed ordinance. Discussion followed.

A motion was made by McPherron seconded by Kissling and carried to introduce Ordinance No. 2015-32 entitled:

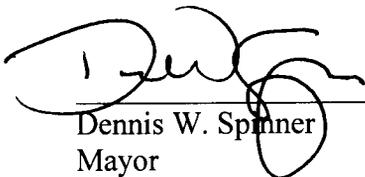
**AN ORDINANCE AMENDING HUNTINGBURG MUNICIPAL CODE
CHAPTER 153 TO AMEND THE TEXT OF THE SUBDIVISION ORDINANCE
OF THE CITY OF HUNTINGBURG**

A motion was made by Kissling, seconded by McPherron and carried to adopt Ordinance No. 2015-32.

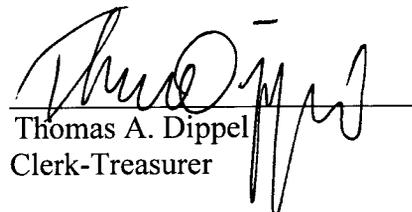
Upon call of roll for the adoption or rejection of Ordinance No. 2015-32 the vote being 4 ayes, 0 nays, 1 absent (Lehr) in favor of adoption, Ordinance No. 2015-32 was duly passed and adopted this date at the hour of 7:55 P.M.

The Mayor reminded all that the next regular meeting will be Tuesday, November 24, 2015 at 7:00 P.M.

There being no further business before the Council, a motion was made by Kissling, seconded by Bounds and carried to adjourn the meeting at 7:56 o'clock P.M.



Dennis W. Spinner
Mayor



Thomas A. Dippel
Clerk-Treasurer

Paradise Cemetery, Inc.
 Schedule of Financial Condition
 December 31, 2014

Rec'd 11/10/15

Common Council / UB
 11/12/15
 7:00 P.M.

EXHIBIT A

ASSETS

Cash in Bank	\$ 259.87
Investments	0.00
Building & Grounds	38,020.28
Accum. Depreciation - Building & Grounds	(28,731.25)
Equipment	10,125.95
Accum. Depreciation - Equipment	(8,770.37)
Total Assets	<u>\$ 10,904.48</u>

LIABILITIES

Employee Payroll Deductions	\$ 408.75
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EQUITY

Retained Earnings	10,495.73
Total Liabilities and Equity	<u>\$ 10,904.48</u>

INCOME

Lot Sales	\$ 5,335.00
Lot Assessments	675.00
Burials	150.00
Farm Income	240.00
Total Income	<u>\$ 6,400.00</u>

EXPENSES

Wages	\$ 6,000.00
Mowing & Trimming - Commission	5,800.00
Gasoline	822.94
Repairs and Supplies	2,340.68
Payroll Taxes	500.50
Insurance	0.00
Utilities	697.83
Telephone	1,442.53
Legal and Accounting	1,000.00
Snow Removal	430.00
Miscellaneous	175.00
Total Expenses Before Depreciation	<u>\$ 19,209.48</u>
Net Income (Loss) Before Depreciation	\$ (12,809.48)
Depreciation	<u>(3,025.27)</u>
Net Income (Loss) For The Year	<u>\$ (15,834.75)</u>

Pamphlet Cemetery, Inc.
 Schedule of Financial Condition
 September 30, 2015

ASSETS

Cash in Bank	\$	4,794.12
Investments		0.00
Building & Grounds		38,020.28
Accum. Depreciation - Building & Grounds		(30,321.25)
Equipment		10,872.26
Accum. Depreciation - Equipment		(9,450.37)
Total Assets	\$	<u>13,915.04</u>

LIABILITIES

Employee Payroll Deductions	\$	272.50
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EQUITY

Retained Earnings		13,642.54
Total Liabilities and Equity	\$	<u>13,915.04</u>

INCOME

Lot Sales	\$	12,173.75
Lot Assessments		725.00
Donation		5,000.00
Miscellaneous		180.97
Total Income	\$	<u>18,079.72</u>

EXPENSES

Wages	\$	4,000.00
Mowing & Trimming - Commission		5,282.50
Gasoline		501.82
Repairs and Supplies		731.31
Payroll Taxes		367.28
Insurance		555.00
Legal and Accounting		1,000.00
Snow Removal		200.00
Miscellaneous		25.00
Total Expenses Before Depreciation	\$	<u>12,662.91</u>
Net Income (Loss) Before Depreciation	\$	5,416.81
Depreciation		<u>(2,270.00)</u>
Net Income (Loss) For The Nine Months	\$	<u>3,146.81</u>

City of Huntingburg

Philip C. Schneider, City Attorney

Common Council / UB

11/12/15

7:00 P.M.

Exhibit B

427 E 4th St • PO Box 193
Huntingburg, IN 47542
P 812.683.3957 • F 812.683.5453

November 12, 2015

Mayor Dennis W. Spinner
508 E. Fourth Street
Huntingburg, IN 47542

Re: Legal Opinion Concerning Expenditure of
Funds in Aid of Fairmount Cemetery

Dear Mayor Spinner:

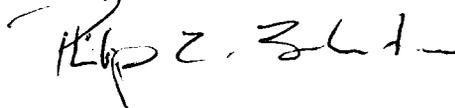
You have requested my opinion as to whether or not City funds may be properly used to assist in the maintenance, upkeep and operation of Fairmount Cemetery, a public cemetery situated within the City of Huntingburg. You have advised me that Fairmount Cemetery is a public cemetery owned and operated by Fairmount Cemetery, Inc., an Indiana nonprofit corporation exempt from state and federal income taxes under Section 501(c) of the Internal Revenue Code. You have further advised me that the cemetery has existed for the benefit of the residents of the City of Huntingburg since 1876 and is an iconic landmark in the City of Huntingburg.

Indiana Code 36-10-2-4 authorizes a unit to aid and maintain facilities and programs of cultural and historical significance within the unit. The statute provides as follows:

I.C. 36-10-2-4 A unit may establish, aid, maintain, and operate libraries and museums, cultural, historical, and other scientific facilities and programs, and community restitution or service facilities and programs.

It is my opinion that if the Common Council of the City of Huntingburg makes a factual determination that Fairmount Cemetery is a facility of cultural and historical significance in the City of Huntingburg the City may expend City funds in aid of the upkeep, maintenance and operation in order to preserve the facility.

Very truly yours,



Philip C. Schneider, City Attorney

PCS:lb

cc: Thomas A. Dippel, Clerk-Treasurer



Fairmount Cemetery, Inc.
October 8, 2015

Common Council/UB
11/12/15
7:00 P.M.
Exhibit C

Oral tradition has the date of inception of Fairmount Cemetery as occurring during the year of 1881. It originally began as a cemetery supported by four different Huntingburg Protestant denominations. The cemetery was divided into four different sections. Each section was specific to one of the four churches and allowed free burial to the pastor and his family of each of the churches. The entrance to the original cemetery is now evidenced by a ceremonial gate of red brick and iron work structure located close to Highway 231.

Other cemeteries of this time period were the Salem Evangelical and Reformed Church Cemetery located near the intersection of Sycamore and W. Third Streets; the City Cemetery located where the Maple Park Gymnasium is located (these graves were disinterred during the 1950's and moved to a place on the south side of Fairmount Cemetery); the Main Cemetery located to the east of Huntingburg; and St. Mary's Cemetery located to the east of the present St. Mary's Catholic Church. A more detailed description of the local cemeteries is available.

However, the historical significance of Fairmount is actually a history of Huntingburg, itself. The founder of Huntingburg, Col. Jacob Geiger, is interred in Fairmount Cemetery. A history of the veterans interred range from the Spanish-American War to the Viet Nam Conflict. There are no restrictions as to who may be allowed burial in the cemetery. Indigents are given a free burial space in what has been termed as "Potter's Field" in the southeast corner of the cemetery. Fairmount Cemetery is the final resting place for generations of Huntingburg families and for others who chose it because of its inherent beauty.

Fairmount Cemetery, Inc. is presently supported by the sale of burial spaces costing \$600.00 each and a \$25.00 cemetery assessment for each person at the time of their burial in the cemetery. Large plots of burial spaces were purchased by individuals years ago and their use by future generations has the effect of cancelling the purchase of new grave spaces.

Financially, the cemetery's resources for sustaining its future have been compromised for several reasons. First, the perpetual care fund which twenty years ago had a surplus of around \$60,000.00 was slowly depleted by a major expenditure for the paving of the roads in the cemetery proper and the purchase of mowers and trimmers. The perpetual care money was invested in certificates of deposit at the First National Bank. Interest rates at that time were sufficient to

provide yearly maintenance of mowing. Both the principal and earned interest of the fund have gradually decreased to the present deficit of operating capital.

Glen Sakel was the secretary of the Fairmount Cemetery Board of Directors during these years and was dedicated to providing for the sale of lots and the overall operation of the cemetery. His dedication to the cemetery was well beyond what was expected of him. He was the life-blood of the cemetery's operation.

The corporate setup of Fairmount Cemetery has recently been changed. This change can best be described by our city's attorney, Philip Schneider. A brief synopsis is as follows: a new board of directors is comprised of one member from the governing body of the city of Huntingburg; two or three members from the faith-based community; one member who will represent our military veterans; an at-large member from our community; and a sexton in charge of daily cemetery operations. This board of directors will be able to function in a more efficient manner than the previous board of directors.

More can be written, but the bottom line is that the cemetery has an immediate need for financial assistance. The board is not asking the city of Huntingburg to take over the operation of the cemetery, but is asking for money to pay past due accounts. Now is the time to correct a situation which will only get worse. A request of \$6,000 from discretionary city funds would help Fairmount Cemetery pay immediate bills and preserve the integrity of a historical Huntingburg landmark. Previous requests to the Huntingburg Foundation for cemetery improvements were met with no success.

The future financial needs of the cemetery must be met by an increase in the price of lots and the assessment fee. It is believed that a comprehensive fund drive conceived by the new board of directors will meet the future needs of Fairmount Cemetery, Inc. An awareness of our cemetery's future must be addressed now.

Gratefully submitted by Alan Nass – past president of Fairmount Cemetery, Inc.

FAIRMOUNT CEMETERY
HUNTINGBURG, INDIANA

Period ending 9-30-15

Expenses	20,584.03
Mowing	5,982.00
Tax Prep	900.00
Taxes	642.03
Insurance	555.00
Payroll	4,100.03
Grounds Maintenance	7,941.62
Misc.	462.85

Period ending 9-30-15

Income	17,038.75
Lot Sales	11,473.75
Burial Assessments	565.00

Period ending 9-30-15

Current balance	2,400.00
Outstanding	2,238.00 (equipment)
	1,000.00 (mowing)
	859.50 (payroll)