

**UTILITY BOARD/COMMON COUNCIL**

**Tuesday, April 12, 2016**

**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 Tuesday, April 12, 2016 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 Wehr, Bounds, McPherron, Kissling and Blessinger were present. Also present were Mayor Spinner, City Attorney Schneider and Clerk-Treasurer Dippel.

Mayor Spinner called the meeting to order.

A motion was made by Blessinger seconded by Kissling and carried to approve the minutes of the March 22, 2016 meeting.

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

The Mayor indicated that at the last meeting it was approved to have a public hearing tonight on the IMPA Solar Park Tax Abatement but due to an oversight by the Huntingburg Press not publishing the notice of the public hearing, the public hearing will need to be rescheduled.

A motion was made by McPherron, seconded by Blessinger and carried to reschedule the public hearing for the IMPA Solar Park Tax Abatement for May 10, 2016.

The Mayor indicated that two applicants that he recommends need to be considered to be placed on the list of approved firefighters for the City.

Fire Chief Patberg requested two volunteer firefighter applicants names, Kyle Smith and Jonathan Villanueva, be added to the list of approved firefighters. He indicated that with the addition of these two firefighters the force will number 27.

A motion was made by Kissling, seconded by Wehr and carried to approve adding the names of Kyle Smith and Jonathan Villanueva to the list of approved firefighters.

The Mayor presented a proposed resolution allowing the submittal of the Market Street Park Stellar application to the Indiana Office of Community and Rural Affairs. The resolution indicated that the City is committing \$1,536,150.00 (EDIT \$250,000.00, TIF \$1,000,000.00, Dubois County Community Foundation \$286,150.00).

A motion was made by Kissling, seconded by Blessinger and carried to adopt Resolution No. 2016-10 entitled:

**RESOLUTION AUTHORIZING APPLICATION SUBMISSION  
AND LOCAL MATCH COMMITMENT**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
HUNTINGBURG, INDIANA, AUTHORIZING SUBMITTAL OF THE MARKET  
STREET PARK STELLAR APPLICATION TO THE INDIANA OFFICE OF  
COMMUNITY AND RURAL AFFAIRS AND ADDRESSING RELATED  
MATTERS**

Water Superintendent Miller informed the Board that he did not receive any applications for the full-time Water Operator job advertised but did receive an application for a part-time operator. He recommended hiring Mark Jackson, who currently works full-time for the Jasper Water Utility, on a part-time basis. Jackson has over 8 years of experience in water treatment. Miller will continue to advertise for the full-time position.

A motion was made by Blessinger, seconded by McPherron and carried to approve the recommendation to hire Mark Jackson as a part-time water operator.

Miller updated the Board on the 4<sup>th</sup> Street water project noting that advance work is being done in preparation of the project. He informed the Board that crews have been working on the water lines on South Washington Street to bring residents better water.

Attorney Schneider led a discussion on proposed amendments to the City's firearm ordinance. He indicated that in 2011 the State legislature passed a law that prohibits Cities, Towns and Counties from regulating firearms, weapons and firearm accessories. He summarized the law. He indicated that the City does have an ordinance that prohibits the carrying of firearms on the City Lake property. He noted that if a citizen is subject to this law that the person may recover attorney's fees and liquidated damages of 3 times attorney's fees in challenging the law. Therefore it is Schneider's recommendation that the City repeal section 93.29 of the City's Municipal Code that prohibits firearms from being carried on City Lake property.

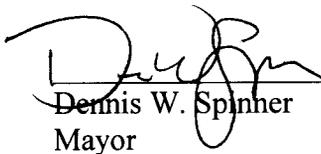
He also indicated that originally the law was drafted to prohibit Cities and Towns from drafting ordinances to regulate the use and discharge of firearms. He noted that the language of use or discharge was eventually taken out leaving it open for interpretation as to whether the regulation of use and discharge of firearms was regulating firearms. He noted that the risk is that someone subjected to the law could recover the costs and triple damages of defending themselves. He indicated that current code section 130.01 prohibits the discharge of firearms and the like within the City limits of the City. He noted the probable purpose was to protect citizens from reckless behavior. He noted that State law already addresses reckless acts. Schneider will draft ordinances addressing these issues for Council consideration at a future meeting.

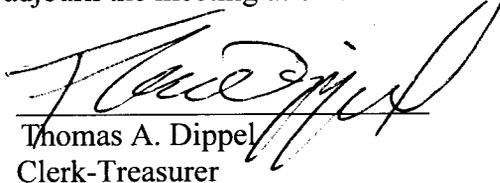
Clerk-Treasurer Dippel presented a proposed utilities facility license, which is an agreement between the Utility Board of the City of Huntingburg and Fullnet Advanced Communications, Inc., allowing Fullnet to use Electric Utility poles. It was noted that Fullnet has been on City poles since mid-2015, therefore, the effective date of the agreement is July 1, 2015. The agreement indicated that Fullnet will be charged \$9.17 per pole for the period July 1, 2015 to June 30, 2016 and \$9.30 per pole for the period July 1, 2016 to June 30, 2017. Future pole charges will be adjusted upward using the Consumer Price Index. Dippel noted the City has several similar agreements with other companies.

A motion was made by Kissling, seconded by Bounds and carried to approve the utilities facility license agreement between the Utility Board of the City of Huntingburg and Fullnet Advanced Communications, Inc. as presented.

There were questions about whether there are alternatives to publishing required notices in the Huntingburg Press. It was brought up that recently the Huntingburg Press has failed to publish required notices after receiving the notices timely, resulting in the City having to go through the notification process again, delaying the respective projects. Attorney Schneider summarized the newspaper publishing laws for notices and indicated that as long as the Huntingburg Press meets the definition of a qualified newspaper, the City must publish notices in the Huntingburg Press. There was discussion. Attorney Schneider indicated that he will contact the Huntingburg Press to verify their status as a qualified newspaper.

There being no further business before the Council, a motion was made by Kissling, seconded by Bounds and carried to adjourn the meeting at 8:05 o'clock P.M.

  
Dennis W. Spinner  
Mayor

  
Thomas A. Dippel  
Clerk-Treasurer