

UTILITY BOARD/COMMON COUNCIL

Tuesday, April 9, 2019

5:30 P.M.

The Common Council and Utility Board of the City of Huntingburg met in joint session at the regularly scheduled meeting time on Tuesday, April 9, 2019 at the hour of 5:30 P.M. in the Council Chambers of the Huntingburg City Hall at 508 E. Fourth Street, Huntingburg, Indiana. Members Blessinger, Bounds, Kissling, Wehr and McPherron were present. Also present were City Attorney Schneider and Clerk-Treasurer Dippel.

Mayor Spinner called the meeting to order.

The Mayor noted corrections to his attendance at the March 26, 2019 meeting which were incorrect on the minutes presented. A motion was made by Kissling, seconded by McPherron and carried to approve the minutes as amended for the Mayor's attendance of the March 26, 2019 meeting.

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

The Mayor noted this is the date, time and place advertised for a public hearing on an additional appropriation. Ordinance No. 2019-20 was previously introduced. The Mayor asked for comments from the public. No comments were received.

A motion was made by Kissling, seconded by Bounds and carried to close the public hearing.

A motion was made by Wehr, seconded by Blessinger and carried to adopt Ordinance No. 2019-20 entitled:

**AN ORDINANCE APPROVING ADDITIONAL APPROPRIATIONS FOR
THE 2019 BUDGET YEAR
(\$2,145,473)**

Upon call of roll for the adoption or rejection of Ordinance No. 2019-20 the vote being 5 ayes, 0 nays, in favor of adoption, Ordinance No. 2019-20 was duly passed and adopted this date at the hour of 5:34 P.M.

The Mayor introduced Jenny Dearwester, of the Southern Indiana Development Commission (SIDC), Administrator for the CDBG Owner Occupied Rehabilitation Grant program. She noted the City of Huntingburg was successful in getting full funding of \$350,000.00 for the Owner Occupied Rehabilitation program through the Indiana Housing and Community Development Authority. She anticipates 14 homes to be included in the program. She noted that they will be contacting participants in late summer to update their applications noting that income verification done last fall are only good for 6 months. She anticipated starting construction by the end of the year or possibly the first part of 2020. She noted the next item to be done by SIDC will be to procure the lead base paint services and construction inspection services. She noted the construction bids will be opened and awarded through the Council, although the contract for the rehabilitation of each home will be between the home owner and the contractor. She noted IHCA requires a resolution when the project grant is awarded.

A motion was made by McPherron, seconded by Blessinger and carried to adopt Resolution No. 2019-21 entitled:

**A RESOLUTION AUTHORIZING THE SUBMITTAL OF THE
COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION TO THE
INDIANA HOUSING AND COMMUNITY DEVELOPMENT AUTHORITY;
RECEIPT OF CDBG FUNDS; AND ADDRESSING RELATED MATTERS**

Dearwester noted that she will be sending scanned copies of the agreement. She noted the next action for the City will be toward the end of the year when bids are received.

The Mayor noted that the approval of a new firefighter needs to be considered. He noted that he and the Board of Public Works and Safety recommend adding Michael Ciraulo to the list of approved firefighters for the City of Huntingburg.

A motion was made by Wehr, seconded by Blessinger and carried to approve adding Michael Ciraulo to the list of approved firefighters for the City of Huntingburg.

Street Superintendent Stamm updated the Council on the receipt of a Community Crossings Grant from INDOT. He noted the City will receive up to \$133,425.59 for reconstruction of 3rd Street between Chestnut Street and Walnut Street. INDOT will pay 75% of the approved project and the City will pay 25%. He noted gas lines need to be moved and plans need to be drawn up, and then the project can be bid. A Local Roads and Bridges Matching Grant Agreement was presented.

A motion was made by Bounds, seconded by Kissling and carried to allow the City to enter into an agreement for the Indiana matching grant for local roads and bridges.

The Mayor presented a proposed street excavation curb ordinance. He noted the issue was discussed at the Board of Public Works and Safety and is now to be considered by the Council. Street Superintendent Stamm explained the need for the ordinance noting the need for a procedure for who does the work for the widening or inserting of a curb in a street. He noted in the past contractors and property owners doing the work has resulted in unsatisfactory results, so he would like the City to do all work and bill the customer for the work. He noted that in the past a street cut permit has not been required for such curb cuts even though the street was being cut. He noted now a street cut permit will be needed at a cost of \$25.00, then the City will determine the footage to determine the charge. The customer will be required to make payment in advance of any work being done. The per foot charge is to cover the cost of the sawing, tear out, pouring, set grade, asphalt patch and backfill. The Board of Public Works and Safety, with the recommendation of the Street Commissioner, will periodically review and approve the per foot charge for the work. The current charge would be \$25.00 per linear foot. It was noted that all charges are to be paid in advance requiring two trips to get the work permitted.

A motion was made by Bounds, seconded by Blessinger and carried to introduce Ordinance No. 2019-22 entitled:

**AN ORDINANCE AMENDING CHAPTER 94 OF THE HUNTINGBURG
MUNICIPAL CODE CONCERNING REGULATIONS REGARDING
EXCAVATIONS AND OBSTRUCTIONS IN THE PUBLIC WAYS OF THE CITY
OF HUNTINGBURG, INDIANA**

A motion was made by Wehr, seconded by McPherron and carried with unanimous consent to suspend the rules and consider the adoption of Ordinance No. 2019-22 at the same meeting it was introduced.

A motion was made by Kissling, seconded by Wehr and carried to adopt Ordinance No. 2019-22.

Upon call of roll for the adoption or rejection of Ordinance No. 2019-22 the vote being 5 ayes, 0 nays, in favor of adoption, Ordinance No. 2019-22 was duly passed and adopted this date at the hour of 6:05 P.M.

Energy Superintendent Reutepohler presented quotes for a new welding truck for the Gas Utility. The low quote was from Sternberg Ford in the amount of \$43,827.00. Reutepohler recommended the purchase from Sternberg Ford in the amount of \$43,827.00.

A motion was made by McPherron, seconded by Wehr and carried to approve the bid of Sternberg Ford in Dale in the amount of \$43,827.00.

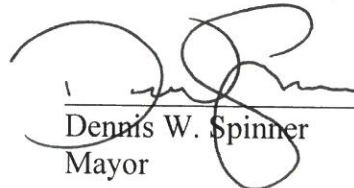
Attorney Schneider explained a proposed settlement for liquidated damages deducted from the contract between the City and Jasper Lumber Co. for construction of Market Street Park. He noted that \$47,000.00 (47 days late times \$1,000.00 per day

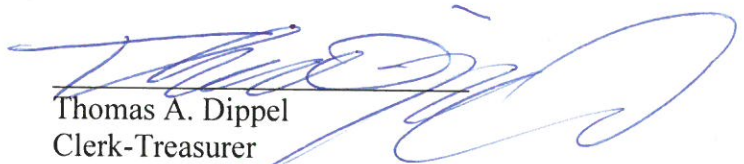
liquidated damages) was deducted because the park was not completed on time. He noted the contractor disputed the liquidated damages and feels like the liquidated damages were excessive since half of the park was usable. He noted that their demand was to reduce liquidated damages to \$0, but through negotiations they were accepting an offer to settle the matter as far as reducing the liquidated damages to one half since the City had use of one half of the park. He noted Jasper Lumber has threatened litigation over the liquidated damages, to avoid the cost of litigation and the uncertainty that the liquidated damages would be enforceable, it is proposed and recommended that we settle the claim for one half the liquidated damages or \$23,500.00. It is Schneider's recommendation that the City settle for the \$23,500 due to the uncertainty of enforceability of the liquidated damages and cost to litigate. Schneider noted that there is another issue that Jasper Lumber has settled with a 3rd party vendor for additional work that was performed to repair damage to the park pavilion piers, for which there is no cost to the City. He noted that should a warranty issue come up as to their performance, we are not releasing them from any warranty obligation. He also stated, there was some activation about the contractor's trespass and use of adjoining property; this is not being released, Jasper Lumber, Inc. is to hold the City harmless and indemnify the City for any damages that arise out of that issue.

A motion was made by Wehr, seconded by Bounds and carried to allow the Mayor to enter into the settlement and release of claims as proposed by the City Attorney.

Councilman Wehr reported on bad debt collection alternatives that he has been researching. There was discussion on a review of deposit retention for customers and rental property owners. There was also a discussion on 3rd party credit card vendors. It was suggested that in order to open a utility account on a rental property the tenant's name needs to be on the rental lease. Attorney Schneider will report on the legalities of deposit retention.

There being no further business before the Council, a motion was made by Kissling, seconded by Bounds and carried to adjourn the meeting at 6:44 o'clock P.M.


Dennis W. Spinner
Mayor


Thomas A. Dippel
Clerk-Treasurer