

## UTILITY BOARD/COMMON COUNCIL

Tuesday, December 8, 2020

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, December 8, 2020 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 Dubon, Bounds, Kissling and Wehr were physically present. Member McPherron participated in this Common Council public meeting by electronic communication by which members were able to simultaneously communicate, and this meeting was made available to members of the public and the media streamed through the City of Huntingburg's YouTube channel accessed via Facebook link at the City's Facebook page (City of Huntingburg). A roll call was taken for attendance: Kissling-Present; Dubon-Present; McPherron-Present; Bounds-Present; Wehr-Present. Also present in person were Mayor Schwinghamer, City Attorney Schneider and Clerk-Treasurer Dippel.

Mayor Schwinghamer called the meeting to order.

A motion was made by Kissling, seconded by Bounds to approve the minutes of the November 24, 2020 meeting. Upon call of roll for the acceptance of the motion, the vote being 5 ayes, 0 nays, in favor of approving the motion, the motion carried.

A motion was made by Kissling, seconded by Wehr to approve the claims as presented. Upon call of roll for the acceptance of the motion, the vote being 5 ayes, 0 nays, in favor of approving the motion, the motion carried.

Attorney Schneider updated the Council on the Blight Clearance Grant (Dairyland property). He noted that OCRA will be accepting applications for this grant program beginning in June. He noted the City has forwarded to the land owner an offer for an option to purchase this property. Since it is unknown when the project will be funded the City asked for a two year option from the average of the two appraisals which was \$150,000.00. The owner has not responded yet, but it was noted that they were receptive to the offer. He noted the signed option agreement is needed before the City moves forward. He informed the Council that at the next meeting they may be required to sign a grant administrator contract.

This is the date, time and place advertised for the Common Council to conduct a public hearing on the sale of City real estate; the property near the Southwest corner of Main Street and 14<sup>th</sup> Street. The Mayor opened the public hearing. Attorney Schneider summarized the process of the sale of the property and noted that at the last meeting the Council received an offer to purchase the vacant property at the Southwest corner of 14<sup>th</sup> Street and Main Street. The property is 3 narrow lots. He noted the developer is very interested in putting a commercial business on the property that is compatible with the Main Street area. The developer has offered the average of two appraisals; \$175,000.00. In the offer the City is required to run sanitary sewers to the property.

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

A motion was made by Kissling, seconded by Bounds to close the public hearing. Upon call of roll for the acceptance of the motion, the vote being 5 ayes, 0 nays, in favor of approving the motion, the motion carried.

There was discussion on the effect on the Huntingburg Event Center since the City has a 25 year lease with the Huntingburg Event Center for placement of a sign advertising the Huntingburg Event Center on the small eastern most lot. Sharing the cost of the sanitary sewer and a 25 foot utility easement south of the curb line on 14<sup>th</sup> Street for water issues were also discussed. Attorney Schneider explained that the Mayor is required to approve the sale after a public hearing is held, which was done tonight and after the Council has made their recommendation. A counteroffer was discussed that included these issues plus having a time limit on the commencement of the project.

A motion was made by Kissling, seconded by Bounds to counteroffer to sell to the developer the property proposed less the eastern most lot, which is approximately

5,000 square feet and to reduce the purchase price to \$150,000.00 in consideration for that reduction; and to require the developer share in the cost of the extension of the sanitary sewer to the property with an opportunity to recover, with an established availability fee, their contribution over 15 years by sharing the availability fee with the City based on the developer's contribution; and the requirement that the sale be subject to an easement, which the width is yet to be determined, for water line along the north side of the property; and that the development of the property begin within 18 months or the City would have the right to repurchase the property for the same price. Upon call of roll for the acceptance of the motion, the vote being 5 ayes, 0 nays, in favor of approving the motion, the motion carried.

Attorney Schneider is to write up the proposed counteroffer.

Attorney Schneider gave an updated on the GSES reverse condemnation lawsuit. He noted the City has continued to incur significant legal fees from the City's litigation attorneys in Indianapolis. He indicated that there has been a proposal that the City settle the lawsuit. He noted that former Mayor Spinner has recommended the settlement. He noted Spinner's belief was that the City was going to continue to incur additional legal fees and other litigation expenses, until this lawsuit is settled and without anything to show for it. His proposal is to offer to purchase their property for the appraised value of \$87,500.00, pay \$7,500.00 in damages and survey costs of \$2,800.00. He noted that the City's litigation attorneys have noted the plaintiff's willingness to accept the offer. Mayor Schwinghamer indicated his agreement with former Mayor Spinner and recommended the City go ahead and do this particular purchase. Discussion followed.

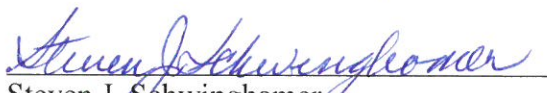
A motion was made by Wehr, seconded by Dubon to purchase the building. Upon call of roll for the acceptance of the motion, the vote being 5 ayes, 0 nays, in favor of approving the motion, the motion carried.

The Mayor informed the Council that the City's Community Crossing project applications were approved and the City will be awarded \$389,334.22 representing 75% of the construction costs of the projects. The City is responsible for 25% of the construction costs plus engineering fees.

Water Superintendent Meyerholtz presented pictures of the walkways at the water filtration plant noting trip hazards on what is to be the main walkway with the upgrades of the plant. He requested permission to get a price from Reynolds on a not-to-exceed basis to take the concrete out and re-pour it to conform to the new plant's needs. Meyerholtz guesses the cost will be approximately \$30,000.00. He noted this would not be a change order to the current contract with Reynolds, but a separate time and materials contract to help the Water Department construct the walkway.

Meyerholtz will get an estimate from Reynolds Construction on the cost of the walkway demo and replacement, and present it at the next Board meeting.

There being no further business before the Council, a motion was made by Kissling, seconded by Wehr to adjourn the meeting at 6:26 P.M. Upon call of roll for the acceptance of the motion, the vote being 5 ayes, 0 nays, in favor of approving the motion, the motion carried.

  
Steven J. Schwinghamer  
Mayor

  
Thomas A. Dippel  
Clerk-Treasurer