

MINUTES OF THE REGULAR MEETING OF THE
COMMON COUNCIL OF THE CITY OF AUBURN
HELD ON SEPTEMBER 20, 2016

The Common Council of the City of Auburn met in regular session in the City Hall Council Chambers at 210 East Ninth Street on this 20th day of September, 2016, at the hour of 6:00 P.M. The media received proper legal notice as required by Indiana statute.

Mayor Norman E. Yoder who presided called the meeting to order.

MOMENT OF SILENT MEDITATION OR REFLECTION

Mayor Yoder asked all to stand for a moment of silent meditation or reflection.

PLEDGE OF ALLEGIANCE

Mayor Yoder led the group in the Pledge of Allegiance to the flag of the United States of America.

ROLL CALL

On call of the roll, members of the Council present were Michael Walter, Kevin Webb, Mike Watson, Todd Sanderson, James Finchum, Dennis (Matthew) Kruse, II, and Dennis Ketzenberger. Also present was Clerk-Treasurer Patricia Miller and City Attorney W. Erik Weber.

READING OF THE JOURNAL

Council Member Webb moved to approve the minutes from the September 6 regular meeting. Council Member Sanderson provided the second. The motion carried by the following vote of the Council: Walter, aye; Webb, aye; Watson, aye; Kruse, aye; Sanderson, aye; Finchum, aye; and Ketzenberger, aye.

RECOGNITION OF VISITORS

Ken McCrory, Jeremy Woods, Lara Myers, David Myers, Mike Graham, Caleb Edgar, Erin Baugher, Michael Wooten, Taylor Bults, Sean Miller, Lucas Bratton, Tony Baugher, Jason Sweitzer, Silas Weghorst, Ted Hansen, Thomas Renbarger, Pamela Stofiel, Amy Van Tassel, Amy Schweitzer, and Mark Murdock from **The Star** were present.

COMMUNICATION

Clerk-Treasurer Patricia Miller administered the Oath of Office to four Police Reserve Officers as follows: Michael Wooten, Erin Baugher, David Myers, and Caleb Edgar.

CLERK-TREASURER

Clerk-Treasurer Patricia Miller presented the current vouchers for \$4,212,003.74.

Council Member Finchum moved to approve the vouchers as presented. Council Member Watson provided the second.

The motion to approve the vouchers as presented carried by the following vote of the Council: Walter, aye; Webb, aye; Watson, aye; Kruse, aye; Sanderson, aye; Finchum, aye; and Ketzenberger, aye.

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Clerk-Treasurer Miller reported the August Bank Reconciliation Reports are on the website for Council review.

ORDINANCES AND RESOLUTIONS

Council Member Finchum read Ordinance 2016-10 An Ordinance Vacating Two Half-Street Rights-Of-Way Off of Superior Drive in the City of Auburn, Indiana
Summary: This ordinance vacates two half-street rights-of-way platted as part of the Amended Donald Shutt Addition to the City of Auburn in accordance with Indiana Code §36-7-13-12. The half-streets are off of Superior Drive, east of Dewey Street and west of Tecumseh Court.
More specifically, the two rights-of-way are labeled as “half-streets” contained within and on the east edge of the Amended Donald Shutt Addition to the City of Auburn, Indiana. The first half-street right-of-way lies east of Lot 19 of the Amended Donald Shutt Addition extending 25-feet east to Lot 7 of the Indian Village Subdivision First Addition. It is bounded by Superior Drive right-of-way to the south and extends 125-feet north to the north edge of the Amended Donald Shutt Addition.
The second half-street right-of-way lies east of Lot 20 of the Amended Donald Shutt Addition extending 25-feet east to Lot 1 of the Indian Village Subdivision First Addition. It is bounded by Superior Drive right-of-way to the north and extends 125-feet south to the south edge of the Amended Donald Shutt Addition.
The City of Auburn shall retain a public utility easement over said real estate in accordance with Indiana Code Section 36-7-3-16. A full copy of said ordinance is available for inspection at the office of the Clerk-Treasurer City of Auburn or on the City of Auburn’s internet web site at www.ci.auburn.in.us. Council Member Finchum moved to pass Ordinance 2016-10 on second and final reading. Council Member Ketzenberger provided the second.

Mayor Yoder recessed the Council Meeting and opened the Public Hearing.

Amy Van Tassel of 1217 Superior Drive stated she was originally told the vacated property belonged to her and then was told it did not. She installed a fence on the property and wishes to extend it. She currently uses said right-of-way as a driveway.

Thomas Renbarger of 1301 Superior Drive stated he needs use of the driveway for access to his backyard and the fence now restricts that access.

Mayor Yoder closed the Public Hearing and reconvened the Council meeting.

Mayor Yoder stated that legally, we are supposed to give back to where it was taken from and in this case, the taking was from 1217 Superior Drive. Therefore, the property should go back to that resident.

The motion to pass Ordinance 2016-10 on second and final reading carried by the following vote of the Council: Walter, aye; Webb, aye; Watson, aye; Kruse, aye; Sanderson, aye; Finchum, aye; and Ketzenberger, aye.

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Council Member Finchum read Ordinance 2016-11 An Ordinance Vacating Unimproved Alley Right-Of-Way Off of West Ensley Avenue in the City of Auburn, Indiana

Summary: This ordinance vacates an unimproved alley extending south from W. Ensley Avenue in accordance with Indiana Code §36-7-13-12. The alley is 16½ feet wide by 132 feet long and located between Lot 4 (503 W Ensley) and Lot 5 (505 W Ensley) in Ensley's Fourth Addition to the City of Auburn, Indiana.

The City of Auburn shall retain a public utility easement over said real estate in accordance with Indiana Code §36-7-3-16. A full copy of said ordinance is available for inspection at the office of the Clerk-Treasurer, City of Auburn or on the City of Auburn's internet website at www.ci.auburn.in.us. Council Member Finchum moved to pass Ordinance 2016-11 on second and final reading. Council Member Watson provided the second.

Mayor Yoder recessed the Council meeting and opened the Public Hearing.

Jeremy Woods of 503 W. Ensley Avenue presented a notarized letter from Michael Sowle of 505 W. Ensley Avenue stating he has no interest in the half portion of the alley and he is willing to deed that portion to Mr. Woods.

Mayor Yoder closed the Public Hearing and reconvened the Council meeting.

Council Member Webb reiterated that a legal measure is needed to address keeping the garage with the current owner. The Ordinance as presented gives half the garage to the property owner of 505 Ensley Avenue.

Members discussed the possibility of a quit claim deed to be included with the ordinance to avoid issue in the future.

Council Member Webb moved to table Ordinance 2016-11 until the next Common Council meeting. Council Member Kruse provided the second. The motion passed by the following vote of the Council: Walter, aye; Webb, aye; Watson, aye; Kruse, aye; Sanderson, aye; Finchum, aye; and Ketzenberger, aye.

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Council Member Finchum read Ordinance 2016-12 An Ordinance To Establish Fair Housing Standards In The City Of Auburn.

Summary: This ordinance repeals the existing Fair Housing Standards and replaces them with new Fair Housing Standards as recommended by the Indiana Office of Rural and Community Affairs. The Fair Housing Ordinance sets out provisions in order to prevent discrimination both prior to potential discrimination and subsequent to any actual discrimination which may take place in the city of Auburn housing due to one's race, color, religion, sex, handicap, familial status, or national origin. Council Member Finchum moved to pass Ordinance 2016-12 on first reading. Council Member Watson provided the second.

Mayor Yoder explained the Ordinance is needed in order for the City to be eligible for OCRA Main Street Revitalization grant to help fund the Sixth and Main Streetscape Project. The Ordinance is basically the same as the current Ordinance 93.09 with just a couple changes recommended by OCRA. The changes included a clause that if any one provision of the Ordinance is found to be invalid, the entire Ordinance could not be discounted. It also guarantees equal access to housing and Department of Housing and Urban Development programs. It further defines a family regardless of actual or perceived sexual orientation, gender identification or marital status.

Council Member Walter questioned the definition of family, asking if it applies to a single individual. The wording is vague.

Council Member Walter moved to amend Ordinance 2016-12 and its summary as follows:

That in all places where the words “race, color, religion, sex, handicap, familial status, or national origin appear in the ordinance, its introductory clauses, and in Exhibit A attached thereto, they be replaced with the words race, color, religion, sex, sexual orientation, gender identity, handicap, familial status, or national origin. And that the following sentence be added to Section 97.01 Policy Statement of Exhibit A: It shall furthermore be the policy of the City of Auburn to provide for fair housing throughout its corporate limits for individuals without regard to their sexual orientation or gender identity. The motion died for lack of a second.

City Attorney Erik Weber stated that the changes are what OCRA suggested in order to be eligible for the grant.

The motion to pass Ordinance 2016-12 on first reading carried by the following vote of the Council: Walter, aye; Webb, aye; Watson, aye; Kruse, aye; Sanderson, aye; Finchum, aye; and Ketzenberger, aye.

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Council Member Finchum read Resolution 07-2016 A Resolution Qualifying Real Estate Improvements For Tax Phase-In.

Summary: The attached resolution grants tax phase-in to 11th & Phillip, LLC for certain real estate improvements and equipment.

The attached resolution establishes that certain equipment and real estate improvements are to be installed or located within an economic revitalization area.

Further, the resolution allows for 11th & Phillips, LLC to receive tax phase-in as follows: Ten (10) Years for real estate improvements with a cost of approximately \$1,244,248.00

Year 1: 100% of the increased value of the real estate improvements shall be exempt.

Year 2: 95% of the increased value of the real estate improvements shall be exempt.

Year 3: 80% of the increased value of the real estate improvements shall be exempt.

Year 4: 65% of the increased value of the real estate improvements shall be exempt.

Year 5: 50 % of the increased value of the real estate improvements shall be exempt.

Year 6: 40% of the increased value of the real estate improvements shall be exempt.

Year 7: 30 % of the increased value of the real estate improvements shall be exempt.

Year 8: 20% of the increased value of the real estate improvements shall be exempt.

Year 9: 10% of the increased value of the real estate improvements shall be exempt.

Year 10: 5% of the increased value of the real estate improvement shall be exempt.

No exemptions shall be allowed after year 10.

The resolution also sets forth that the Clerk-Treasurer will file a certified copy of this same resolution with the appropriate County Offices of DeKalb County, Indiana. Council Member Finchum moved to pass Resolution 07-2016 on first reading. Council Member Webb provided the second.

Council Member Walter stated he would vote in favor of this tax phase in as it makes use of a vacant building.

The motion to pass Resolution 07-2016 on first reading carried by the following vote of the Council: Walter, aye; Webb, aye; Watson, aye; Kruse, aye; Sanderson, aye; Finchum, aye; and Ketzenberger, aye.

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Council Member Finchum read Resolution 08-2016 A Resolution Qualifying New Research And Development Equipment And Information Technology Equipment For Property Tax Phase-In.

Summary: The City of Auburn, Indiana Common Council hereby grants tax phase-in to TEMPUS TECHNOLOGIES, INC. for certain equipment, which is more specifically research, and development equipment and logistical distribution equipment located on certain real estate within the City of Auburn, Indiana. The real estate is located at 635 West 11th Street Auburn, Indiana a 46706, County of DeKalb and State of Indiana.

This resolution establishes that certain equipment is to be installed or located within an economic revitalization area.

Further, the resolution allows for TEMPUS TECHNOLOGIES, INC. to receive tax phase-in as follows:

Six (6) years for new research and development equipment with an approximate cost /value of up to approximately \$125,600 / \$50,240.00 and Information Technology Equipment with an approximate cost/value of up to approximately \$467,545.00 / \$187,018.

The six (6) year phase-in shall be as follows:

- Year 1: 100% of the value of new research and development equipment and information technology equipment shall be exempt from taxation.**
- Year 2: 85% of the value of new research and development equipment and information technology equipment shall be exempt from taxation.**
- Year 3: 66% of the value of new research and development equipment and information technology equipment shall be exempt from taxation.**
- Year 4: 50% of the value of new research and development equipment and information technology equipment shall be exempt from taxation.**
- Year 5: 34% of the value of new research and development equipment and information technology equipment shall be exempt from taxation.**
- Year 6: 25% of the value of new research and development equipment and information technology equipment shall be exempt from taxation.**

No further exemptions shall be available after year six (6) for the new equipment or logistical distribution equipment. The resolution also sets forth that the Clerk-Treasurer will file a certified copy of this same resolution with the County Auditor. A full copy of said resolution is available at the office of the Auburn Clerk-Treasurer located at 210 East Ninth Street Auburn, Indiana 46706. Council Member Finchum moved to pass Resolution 08-2016 on first reading. Council Member Watson provided the second.

The motion to pass Resolution 08-2016 on first reading carried by the following vote of the Council: Walter, aye; Webb, aye; Watson, aye; Kruse, aye; Sanderson, aye; Finchum, aye; and Ketzenberger, aye.

REPORT OF MAYOR

Mayor Yoder announced the resignation of Council Member Todd Sanderson effective November 1, 2017.

MISCELLANEOUS

ANNOUNCEMENTS

Mayor Yoder announced the next Common Council meeting will be Tuesday, October 4, 2016 at 6:00pm.

ADJOURNMENT

There being no further business to come before the Council, Council Member Webb moved the meeting adjourned. Council Member Finchum provided the second. The motion carried by the following vote of the Council: Walter, aye; Webb, aye; Watson, aye; Kruse, aye; Sanderson, aye; Finchum, aye; and Ketzenberger, aye.

APPROVED BY THE COMMON COUNCIL

Norman E. Yoder, Mayor

ATTEST:

Patricia M. Miller, Clerk-Treasurer