

MINUTES OF THE REGULAR MEETING OF THE
COMMON COUNCIL OF THE CITY OF AUBURN
HELD ON OCTOBER 5, 2015

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 5th day of October 2015, 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, Matthew Kruse, David Painter, and Denny Ketzenberger. Also present was Clerk-Treasurer Patricia M. Miller and City Attorney W. Erik Weber.

READING OF THE JOURNAL

Council Member Webb moved to approve the minutes from the September 15 regular meeting. Council Member Ketzenberger provided the second.

Council Member Walter requested a change to the dialogue under miscellaneous to read Council Member Walter expressed concern with a picture that appeared in the Star of two Auburn Police officers with a child holding an inoperable firearm, explaining that in his opinion, it was improper and in bad judgment.

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Council Member Webb stated he did not recall making a motion to amend Ordinance 2015-08 with regard to right-of-way width, if he did, it was not his intention.

The motion to approve the minutes as amended carried by the following vote of the Council: Walter, aye; Webb, aye; Kruse, aye; Painter, aye; and Ketzenberger, aye.

RECOGNITION OF VISITORS

Todd Sanderson and Jacob Klopfenstein with **The Star** were present.

COMMUNICATION

CLERK-TREASURER

Clerk-Treasurer Patricia Miller presented payroll and general vouchers for \$2,044,149.40.

Council Member Webb moved to approve the vouchers as presented. Council Member Ketzenberger provided the second.

- Council Member Walter stated he would vote against vouchers
- 47355 to Brown and Brown Insurance for \$60.00 explaining his opinion that this is a conflict of interest as the president of the company is a member of the Board of Works.
- 47414 00 to Jeremiahs Brewed Awakenings for \$54.00 explaining his opinion that \$9.00/pound is excessive.
- 47484 to TruGreen Chemlawn for \$280.00 for weed spraying services performed at both Fire stations explaining the dangers of chemical run-off into the ditches.

Council Member Walter further stated he would abstain from voting on voucher 47420 to Kroger for \$248.59 as that company employs him.

The motion to approve the vouchers as presented carried by the following vote of the Council: Walter, aye with the exception of vouchers 47355, 47414, and 47484 on which he votes nay and voucher 47420 on which he abstains; Webb, aye; Kruse, aye; Painter, aye; and Ketzenberger, aye.

ORDINANCES AND RESOLUTIONS

Mayor Yoder stated 2015-07 An Ordinance Regulating Solicitors, Mobile Vendors and Pushcarts remains tabled until the October 19 regular meeting.

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Council Member Kruse read Ordinance 2015-08 An Ordinance Vacating A Portion Of A Street And An Alley Located In The City Of Auburn, Indiana.

Summary: This ordinance authorizes the vacation of that portion of the undeveloped Dallas Street that lies south of the Fifteenth Street road right-of-way, west of lots 70 and 71, east of lots 96 and 97, within the Fluke's Third Addition to the Town now City of Auburn, Indiana, and north of J.C. Memorial Park, that section of right of way being approximately 66 feet wide and approximately 104 feet long and more particularly described as follows:

Beginning at the Northeast corner of Lot Numbered Ninety-six (96) in said Fluke's Third Addition and running thence easterly to the Northwest corner of Lot Numbered Seventy-one (71) in said Fluke's Third Addition; thence southerly along the west line of Lots Numbered Seventy-one (71) and Seventy (70) in said Fluke's Third Addition to the Southwest corner of said Lot Numbered Seventy (70); thence westerly to the Southeast corner of Lot Numbered Ninety-seven (97) in said Fluke's Third Addition; thence northerly along the east line of said Lots Numbered Ninety-seven (97) and Ninety-six (96) to the point of beginning; and

The vacation of that portion of an undeveloped alleyway that lies south of the Fifteenth Street road right-of-way, west of lots 68 and 69, east of lots 70 and 71 within the Fluke's Third Addition to the Town now City of Auburn, Indiana, and north of J. C. Memorial Park, that section of right-of-way being approximately 16 feet wide and approximately 105 feet long and more particularly described as follows:

Beginning at the Northeast corner of Lot Numbered Seventy-one (71) in said Fluke's Third Addition and running thence easterly to the Northwest corner of Lot Numbered Sixty-eight (68) in said Fluke's Third Addition; thence southerly along the west line of Lots Numbered Sixty-eight (68) and Sixty-nine (69) in said Fluke's Third Addition to the Southwest corner of said Lot Numbered Sixty-nine (69); thence westerly to the Southeast corner of Lot

Numbered Seventy (70) in said Fluke's Third Addition; thence northerly along the east line of said Lots Numbered Seventy (70) and Seventy-one (71) to the point of beginning. The areas that are located in the proposed vacated rights-of-way are more particularly shown on the Exhibit attached hereto as Exhibit "A". A full copy of the ordinance and exhibits referenced herein are available at the Office of the Clerk Treasurer at 210 East Ninth Street, Auburn, Indiana 46706. The Summary is being published without the exhibits. Council Member Finchum moved to pass Ordinance 2015-08 on second and final reading. Council Member Webb provided the second.

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

There being no public comment, Mayor Yoder closed the Public Hearing and reconvened the Council meeting.

Council Member Walter stated he would vote in favor of the Ordinance, but expressed concern that the company was repairing the existing loading dock.

The motion to pass Ordinance 2015-08 on second and final reading carried by the following vote of the Council: Walter, aye; Webb, aye; Kruse, aye; Painter, aye; and Ketzenberger, aye.

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Council Member Kruse read Ordinance 2015-09 An Ordinance For Appropriation of City Utilities, City Government And Tax Rates For 2016 Budget Year
Summary: This ordinance sets forth the expenses of the City Utilities, City government and its institutions for the year ending December 31, 2016, and the sums of money shown below are appropriated by this ordinance and ordered set apart out of the several funds herein named and for the purposes herein specified, subject to the laws governing same. Such appropriated sums shall be held to include all expenditures authorized to be made during the year, unless otherwise expressly stipulated and provided for by law. In addition, for the purpose of raising revenue to meet the necessary expenses of the City government, tax rates are shown and included herein.

GENERAL FUND

Mayor	90,780
Clerk-Treasurer	88,375
Common Council	15,354
Municipal General	1,532,500
City Attorney	77,405
City engineer	82,172
Building Department	149,550
Plan Commission	9,650
Board of Zoning Appeals	5,100
Port Authority	15,500
City Administrative Division- Purchasing	103,495
City Administrative Division - Information Systems	419,830
City Administrative Division - Human Resources	28,915
Police Department	2,214,827
Total General Fund	4,833,453
New Tax Rate - General Fund	0.3427

<u>RIVERBOAT WAGERING FUND</u>	70,000
New Tax Rate - Riverboat Fund	0.0000
<u>RAINY DAY FUND</u>	250,000
New Tax Rate - Rainy Day Fund	0.0000
<u>MOTOR VEHICLE HIGHWAY FUND</u>	2,130,605
New Tax Rate - MVH Fund	0.3327
<u>LOCAL ROAD & STREET FUND</u>	61,000
New Tax Rate - LRS Fund	0.0000
<u>PARK & RECREATION FUND</u>	739,043
New Tax Rate - Park & Recreation Fund	0.1356
<u>PARK NON-REVERTING FUND</u>	57,200
New Tax Rate - Park Non-Reverting Fund	0.0000
<u>LOCAL LAW ENFORCEMENT CONTINUING EDUCATION FUND</u>	14,500
New Tax Rate - Local Law Enforcement Continuing Education Fund	0.0000
<u>PUBLIC SAFETY LOIT FUND</u>	250,000
New Tax Rate - LOIT Fund	0.0000
<u>FIRE TERRITORY FUND</u>	2,693,701
New Tax Rate - Fire Territory Fund	0.4893
<u>CUMULATIVE FIRE EQUIPMENT FUND</u>	365,000
New Tax Rate - Cumulative Fire Equipment Fund	0.0526
<u>CUMULATIVE CAITAL DEVELOPMENT FUND</u>	540,000
New Tax Rate - CCD Fund	0.0864
<u>CUMULATIVE CAPITAL IMPROVEMENT FUND</u>	74,000
New Tax Rate - CCI Fund	0.0000
AUBURN REDEVELOPMENT COMMISSION FUND	1,000,000
New Tax Rate - ARC Fund	0.0000
<u>CEDIT FUND</u>	750,000
New Tax Rate - CEDIT Fund	0.0000

<u>POLICE PENSION FUND</u>	88,495
New Tax Rate - Police Pension Fund	0.0000
Total 2016 Budget -All Government Funds	13,916,997
New Tax Rate - All Government Funds	1.4393
<u>CITY UTILITIES</u>	
Electric Utility	43,635,035
Auburn Essential Services Utility	2,423,500
Water Utility	5,923,500
Water Pollution Control Utility	8,783,296
Total 2016 Budget - City Utilities	60,765,331
Total 2016 Budget - ALL FUNDS	74,682,328

Council Member Kruse moved to pass Ordinance 2015-09 on second and final reading.
Council Member Webb provided the second.

Mayor Yoder explained the budget includes a 2% pay increase for all employees, 8.7% health insurance increase, and the replacement of aging mobile computing equipment. Mayor Yoder also stated the Fire Department budgeted \$90,000.00 to allow hiring part-time firefighters as the department struggles to recruit volunteers.

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

There being no public comment, Mayor Yoder closed the Public Hearing and reconvened the Council meeting.

The motion to pass Ordinance 2015-09 on second and final reading carried by the following vote of the Council: Walter, aye; Webb, aye; Kruse, aye; Painter, aye; and Ketzenberger, aye.

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Council Member Kruse read Ordinance 2015-10 An Ordinance Establishing Pay Classifications, And Salary Ranges Of Elected Officers, Appointed Officers And Employees Of The City Of Auburn, Indiana, For The Year 2016.

Summary: Following is a proposed Ordinance fixing the salaries of elected officials, appointed officers and employees of the City of Auburn, Indiana, for the year 2016 as follows:

Section I. Pay Classifications

Section II. Elected Officials

Section III. Department Heads

Section IV. Employees within departments

Mayor's Office

Clerk-Treasurer's Office

City Administrative Divisions

Law Department
Engineering Department
Building, Planning & Development Department
Street Department
Park and Recreation Department
Police Department
Fire Department
Electric Utility Department
Water Utility Department
Water Pollution Control Department

Section V. All Departments

Council Member Kruse moved to pass Ordinance 2015-10 on second and final reading. Council Member Ketzenberger provided the second.

Council Member Walter again stated he is not in favor of combining appointed employees with elected officials in one salary ordinance. In addition, the wages should be published on the City website.

The motion to pass Ordinance 2015-10 on second and final reading carried by the following vote of the Council: Webb, aye; Kruse, aye; Painter, aye; and Ketzenberger, aye. Walter, nay.

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Council Member Walter moved to remove Ordinance 2015-11 from the table. Council Member Ketzenberger provided the second.

The motion carried by the following vote of the Council: Walter, aye; Webb, aye; Kruse, aye; Painter, aye; and Ketzenberger, aye.

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Council Member Kruse read Ordinance 2015-11 An Ordinance Establishing A Non-Discrimination Implementation Policy For The City Of Auburn.
Summary: The City of Auburn, Indiana, through its implementation policy and plan provides for compliance with Title VI of the 1964 Civil Rights Act. The City will post its plan on the City of Auburn website at www.ci.auburn.in.us. Said policy will be codified in the City of Auburn Code of Ordinances and will be made available in paper form to any person who requests a copy. The City of Auburn, Indiana, will periodically publish statements concerning Title VI in materials available to the public and to prospective beneficiaries. The City of Auburn, Indiana, will continue to take steps to insure that no person in dealing with the City of Auburn, Indiana, shall, on the ground of race, color, age, gender, sexual orientation, veteran status, genetic information or testing, religion, family and medical leave, disability, gender identity, or expression, or national origin, be excluded from participation in, be denied the benefits of, or be subject to discrimination under any program receiving federal financial assistance. The City of Auburn Title VI Non-discrimination policy shall be codified in section 101 of the Auburn City Code and be codified on the City of Auburn web based Code of Ordinances. **Council Member Kruse moved to pass Ordinance 2015-11 on first reading.** Council Member Webb provided the second.

City Attorney Erik Weber provided an updated version of Ordinance 2015-11 that incorporates suggested revisions received from Council members and asked it replace the original.

ORDINANCE NO. 2015-11 AN ORDINANCE ESTABLISHING A NON-DISCRIMINATION IMPLEMENTATION POLICY FOR THE CITY OF AUBURN

Summary: The City of Auburn, Indiana, through its implementation policy and plan provides for compliance with Title VI of the 1964 Civil Rights Act. The City will post its plan on the City of Auburn website at www.ci.auburn.in.us. Said policy will be codified in the City of Auburn Code of Ordinances and will be made available in paper form to any person who requests a copy. The City of Auburn, Indiana, will periodically publish statements concerning Title VI in materials available to the public. The City of Auburn, Indiana, will continue to take steps to insure that no person in dealing with the City of Auburn, Indiana, shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subject to discrimination under any program receiving federal financial assistance. The City of Auburn Title VI Non-Discrimination Policy shall be codified in Section 101 of the Auburn City Code and may be found on the City of Auburn web based code of ordinances.

Council Member Kruse moved to amend 2015-11 by replacing the original with the revised version as presented. Council Member Walter provided the second.

Council Member Webb commented on the verbiage used in Section 101-002 Overview.

Council Member Kruse replied that the terminology used mirrors Federal verbiage.

Council Member Walter moved to amend Ordinance 2015-11 to add a paragraph at the end of Section 101-003

In addition, the City of Auburn assures that no person shall, on the basis of sexual orientation, gender identity or expression, family or marital status, ancestry, genetic information or testing, or veteran status be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination under any program or activity receiving Federal financial assistance. The motion died for lack of a second.

The motion to amend Ordinance 2015-11 carried by the following vote of the Council: Walter, aye; Webb, aye; Kruse, aye; Painter, aye; and Ketzenberger, aye.

Council Member Webb moved to pass Ordinance 2015-11 as amended on first reading. Council Member Painter provided the second.

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

There being no public comment, Mayor Yoder closed the Public Hearing and reconvened the Council meeting.

The motion to pass Ordinance 2015-11 on first reading carried by the following vote of the Council: Walter, aye; Webb, aye; Kruse, aye; Painter, aye; and Ketzenberger, aye.

Council Member Walter explained his vote by commenting that there is no harm in referencing more than the minimum, this is the second decade of the 21st century.

REPORT OF MAYOR

MISCELLANEOUS

Council Member Webb stated he was asked for Council consideration to assist in repairs for a greenhouse owned by Clint Stephens, who provides and cares for all the flowers in downtown Auburn.

Following discussion, Council Member Webb moved to pay \$331.79 to Clint Stephens from the Council budget. Council Member Painter provided the second. The motion carried by the following vote of the Council: Walter aye; Webb, aye; Kruse, aye; Painter, aye; and Ketzenberger, aye.

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Council Member Walter commented on the LED street lights recently installed on South Main Street, stating they are too bright.

Mayor Yoder stated he would take a drive that way to assess.

NEW BUSINESS

ANNOUNCEMENTS

The next regular Council meeting will be Monday, October 19, 2015 at 6:00 P.M. in the City Hall Council Chambers.

ADJOURNMENT

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

APPROVED BY THE COMMON COUNCIL

Norman E. Yoder, Mayor

ATTEST:

Patricia M. Miller, Clerk-Treasurer