

MINUTES OF THE REGULAR MEETING OF THE
COMMON COUNCIL OF THE CITY OF AUBURN
HELD ON SEPTEMBER 6, 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 6th 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 August 16 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

Mark Murdock from **The Star** was present.

COMMUNICATION

CLERK-TREASURER

Clerk-Treasurer Patricia Miller presented the current vouchers for \$1,492,241.78.

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

Council Member Walter stated he would abstain from voting on voucher 51434 to Kroger for \$50.58 as a matter of personal preference as he is an employee of Kroger. Council Member Walter further stated he would vote against vouchers:

- 51410 to Fort Wayne Newspapers for \$150.80 for the Mayor's Office subscription explaining his opinion that the office should purchase their own subscription.

- 51493 – invoices 50998996 and 50971696 totaling \$280.00 to Tru Green Chemlawn for lawn care services performed at both fire stations explaining the dangers of chemical run-off into the ditches.
- 51439 – invoice 11016026AUG to Links Creative Alliance Inc. for \$1,266.44 for AES billboard advertising considering Auburn's history with billboards.

The motion to approve the vouchers as presented carried by the following vote of the Council: Walter, aye with the exception of voucher 51434 on which he abstains and voucher 51493 – invoices 50998996 and 50971696 and voucher 51439 – invoice 11016026AUG on which he votes nay; Webb, aye; Watson, aye; Kruse, aye; Sanderson, aye; Finchum, aye; and Ketzenberger, aye.

ORDINANCES AND RESOLUTIONS

Council Member Finchum read Ordinance 2016-08 An Ordinance to Transfer from the Fire Operating Fund to the Cumulative Fire Equipment Fund in Accordance with I.C. 36-8-19-8.

Summary: This Ordinance authorizes the transfer of \$100,000.00 from the Fire Operating Fund to the Cumulative Fire Equipment Fund in accordance with Indiana Code Section 36-8-19-8. The purpose of the transfer is to accumulate funds for future capital requirements of the Fire Territory. Council Member Finchum moved to pass Ordinance 2016-08 on second and final reading. Council Member Ketzenberger 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 2016-08 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.

* * * * *

Council Member Finchum read Ordinance 2016-09 An Ordinance for the Transfer of Funds to the Rainy Day Fund.

Summary: Indiana Code 36-1-8-5.1 authorizes political subdivisions to receive transfers of unused and unencumbered monies to the Rainy Day Fund whenever the purposes of certain tax levies have been fulfilled and an unused and unencumbered balance remains. This Ordinance is for the transfer of funds to the Rainy Day Fund as follows: General Fund \$300,000.00 from Municipal General Professional Services, Insurance, Utility Services, Repair & Maintenance, Other Services & Charges, and Machinery & Equipment. Council Member Finchum moved to pass Ordinance 2016-09 on second and final reading. Council Member Watson provided the second.

The motion to pass Ordinance 2016-09 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.

* * * * *

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 first reading. Council Member Ketzenberger provided the second.

The motion to pass Ordinance 2016-10 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.

* * * * *

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 first reading. Council Member Ketzenberger provided the second.

Council Member Webb noted the garage for 503 Ensley Avenue was added in 1930, so the area is not totally undeveloped. Webb suggested a legal measure may be needed to address keeping the garage with the current owner. The Ordinance as presented appears to give half the garage to the property owner of 505 Ensley Avenue.

Mayor Yoder stated that his understanding is the two owners have reached an agreement for the garage to be deeded back to the owner of 503 Ensley Avenue.

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

Council Member Finchum explained his vote stating the Ordinance can be passed on first reading and changes can be made prior to the Ordinance passing on second reading.

The motion to pass Ordinance 2016-11 on first reading carried by the following vote of the Council: Walter, aye; Watson, aye; Kruse, aye; Sanderson, aye; Finchum, aye; and Ketzenberger, aye. Webb, nay.

REPORT OF MAYOR

MISCELLANEOUS

Council Member Webb reported that the Tax Phase-In Committee met prior to the Council meeting regarding tax abatement for Tempus Technologies. The company is trying to acquire the former Auburn Foundry office building on Eleventh Street.

* * * * *

Council Member Walter stated he has had residents question the 25% electric rate increase.

Mayor Yoder explained the increase covers increased costs for AEP for purchased power as well as delivery of the electricity. This is a multi-year tracker making the costs higher. If the utility opted out of the IURC, we could recoup these costs in a timelier fashion.

Council Member Walter stated his opinion that staying in the IURC is best for the customers in that it looks out for the customers' best interests. Perhaps the City should shop around for other providers than AEP.

Mayor Yoder stated the City is under contract with AEP.

ANNOUNCEMENTS

Mayor Yoder announced the next Common Council meeting will be Tuesday, September 20, 2016 at 6:00pm.

ADJOURNMENT

There being no further business to come before the Council, Council Member Webb moved the meeting adjourned. Council Member Kruse 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