

COMMON COUNCIL MEETING

June 6, 2022

6:00 P.M. Community Center

As Amended*

Mayor Werling called the meeting to order at 6:00 p.m. Those in attendance rose for the pledge of allegiance.

Clerk-Treasurer Aldrich took the roll call:

Present were Gayle Conner, Sandra Flora, Mike Isley, Spencer Kingery, and Cody Nelson.

The minutes for the May 2, 2022 meeting were presented for review. Spencer Kingery moved to accept the minutes as presented. Second by Cody Nelson. Motion carried without objection. (5-0)

Other Business.

Tina Isaacs, 304 W. Summit Street, addressed the Council requesting consideration of an ordinance to permit golf carts and ATVs to use the City streets. A packet including a petition with more than 300 signatures in favor of permitting golf carts, sample ordinances from surrounding communities, and a draft permit for licensing vehicles. Vehicles would be required to have minimum safety equipment, e.g. headlights, brake lights and turn signals, seat belts, etc. Requirements would need to be set for drivers as well. In discussion, Gayle Conner asked if the group had discussed the topic with the police chief. Isaacs indicated they had not. Cody Nelson said that he was in favor of some permitting of golf carts. Mayor Werling expressed the opinion that golf carts should not be permitted in the downtown due to traffic congestion and parking issues. Conner wondered about licensing of vehicles and drivers. Sandra Flora expressed that golf cart operators should be licensed drivers. Conner asked if a committee could work on the topic and report back at the next Council meeting. Consensus was to establish a committee for further study of the topic. Nelson and Flora agreed to serve on the committee.

Unfinished Business.

Proposed Ordinance 2022-8 amending the Noise Control Ordinance was presented on second reading. Cody Nelson moved to approve. Second by Gayle Conner. Motion carried. (5-0)

New Business.

Four requests for tax abatement for the Canal Commons properties were presented for review. Mayor Werling stated that no changes in compliance had occurred since the abatement requests were last approved by Council. Sandra Flora moved to approve the tax abatements. Second by Cody Nelson. Motion carried. (5-0)

Resolution 2022-9 Authorizing the transfer of \$557,142.24 from the General Fund to the Rainy Day Fund was presented for review. The amount represents 15% of the 2022 General budget and is the maximum allowed by DLGF for transfer. Cody Nelson moved to approve. Second by Mike Isley. Motion carried. (5-0)

Proposed Ordinance 2022-9 Prohibiting Certain Uses of Designated Parking Spaces was tabled at the May 2nd meeting. Mayor Werling asked if there was a motion to bring proposed Ordinance 2022-9 from the table. None was made and Ordinance 2022-9 ~~remained tabled~~ died. *

Proposed Ordinance 2022-10 regulating Mobile Food and Beverage Vendors was presented on first reading. Sandra Nelson moved to approve. Second by Mike Isley. Gayle Conner questioned if the

ordinance would impact local food trucks from setting up at the school for lunch or events. All concurred that the school would have jurisdiction over their property. Conner questioned whether the ordinance would impact events like the Bacon Festival. Werling stated that the organizing group, e.g. the Chamber of Commerce would have jurisdiction as booth spaces were sold. Any other requests would come before the Board of Works. Motion carried. (5-0)

Cody Nelson moved to suspend the rules to allow passage of Ordinance 2022-10 on second and third readings. Second by Gayle Conner. Motion carried. (5-0)

Gayle Conner moved to pass Ordinance 2022-10 on second reading. Second by Cody Nelson. Motion carried. (5-0)

Gayle Conner moved to pass Ordinance 2022-10 on third and final reading. Second by Cody Nelson. Motion carried. (5-0)

Proposed Ordinance 2022-13 Peddlers, Traveling Salesmen, and Solicitors was presented on first reading. Spencer Kingery moved to approve. Second by Cody Nelson. Sandra Flora asked if there was an exception for school fundraising events where students solicit door-to-door. The exception will be added to ordinance at second reading at the July 5th meeting. Ordinance 2022-13 passed on first reading. (5-0)

Proposed Ordinance 2022-16 for the Use of ARPA funds for the Broadway Broadband Fiber Project was presented for review on first reading. Spencer Kingery moved to approve. Second by Cody Nelson. Spencer Kingery asked if the project was on schedule. JT Doane indicated that it was. Motion carried. (5-0)

Sandra Flora moved to suspend the rules and to pass Ordinance 2022-16 on second and third readings. Second by Mike Isley. Motion carried. (5-0)

Spencer Kingery moved to pass Ordinance 2022-16 on second reading. Second by Mike Isley. Motion carried. (5-0)

Sandra Flora moved to pass Ordinance 2022-16 on third and final reading. Second by Gayle Conner. Motion carried. (5-0)

Proposed Ordinance 2022-14 to rezone parcels on N. US Hwy 421 owned by the City of Delphi from Industrial to Urban I was presented having received a favorable recommendation from the Area Plan Commission at its May 24th meeting. Cody Nelson moved to pass Ordinance 2022-14 on first reading. Second by Spencer Kingery. Motion carried. (5-0)

Cody Nelson moved to suspend the rules and to pass Ordinance 2022-14 on second and third readings. Second by Spencer Kingery. Motion carried. (5-0)

Mike Isley moved to pass Ordinance 2022-14 on second reading. Second by Cody Nelson. Motion carried. (5-0)

Spencer Kingery moved to pass Ordinance 2022-14 on third and final reading. Second by Cody Nelson. Motion carried. (5-0)

Proposed Resolution 2022-11 Authorizing the Sale of Property and Establishing a Minimum Bid of \$160,000 was presented. The two parcels are owned by the City and were rezoned to Urban I in Ordinance 2022-14. The parcels are in a Residential TIF allocation area. At least one bidder is expected on these parcels with the intent of residential development. A minimum bid of \$160,000 is recommended which considers the \$150,000 average of the two appraisals as well as expenses for the appraisals, decommissioning of Well#6, advertising, and legal expenses. Public notice of the bidding will be in the Comet on June 15th and 22nd with bids accepted beginning June 29. Spencer Kingery moved to approve Resolution 2022-11. Second by Cody Nelson. Gayle Conner asked Attorney Barbour if the City was bound

to set the price based on the average of the appraisals? Barbour indicated that the disposing agent, in this case the Mayor, generally sets the minimum bid taking various factors into account. The Council still must approve the sale and the minimum bid. Conner expressed concern that the appraisals were pretty far apart in value -- \$114,000 and \$186,000 and that the property was purchased in 2015 for \$239,000— far above what the City is seeking now. Werling indicated that several factors were considered in recommending the minimum of \$160,000: the recent sale of the Burnbrae Farms tract netted under \$12,000 per acre which is close to what the City would seek with this minimum; secondly, the City wants to make sure that the price is at a level to entice residential development to help mitigate the risk to developers; finally, the \$239,000 paid for the Underhill property was considerably above the appraised values at the time, but was allowable given the use of the property for a public utility. Resolution 2022-11 was approved. (5-0)

A form for submission of Public Records Requests drafted by the City Attorney was presented for adoption. Gayle Conner moved to approve. Second by Cody Nelson. Motion carried. (5-0)

Miscellaneous Business.

Mayor Werling addressed questions submitted in advance of the meeting by Councilwoman Conner.

- 1) Land disposal/sale of Boone parcel - Where is this located? Why is it being sold?
 - a) The property is located on Boone's Curve and is a one-acre parcel with access easement. The property owner of the surrounding parcel has requested to purchase the acre because they are considering selling the property. This was once used for a spring-fed well that supplied water to the east end of Delphi. It has not been in use for several decades.
- 2) Kerlin property for potential parking structure - Where is this property and does this reference a parking lot/garage?
 - a) I don't know what is being sought here, but the City was contacted by Robert Kerlin who wishes to donate a parcel titled to Kerlin Elevator located on Ruffing Avenue. The City owns several other lots in this area. The City attorney is in touch with Mr. Kerlin's attorney.
- 3) Forza development of multi-family development - Where is the intended location and what will be the number of units being proposed s
 - a) Forza is one of several developers interested in doing business in Delphi. They are primarily interested in townhomes. No specific proposal has been made. They may be interested in the 12 plus acres north of Save-a-Lot.
- 4) I have been asked to request clarification as to how there can be a retention pond in front of the new Family Dollar store when the city has an ordinance against standing water. Please advise.
 - a) Who has asked for the information?
 - b) This is a "dry detention pond" similar to that by Save-a-Lot. Once grass covered, this will retain water during rain events and slowly release it to storm lines.
- 5) Can you address the timeline for sidewalk repairs in areas of deterioration throughout town? The latest PASER study shows several areas in need of attention. Will the city be addressing those anytime soon or enforcing the local legislation to require property owners to fix them?
 - a) Deteriorated sections are being addressed as part of our CCMG projects. This results in whole areas getting fixed at one time rather than by piecemeal and is more cost-effective as a result.
- 6) Please share any estimates/proposals from KJG regarding 402 S. Washington.
 - a) We have no estimates from KJG regarding 402 S. Washington Street. We have requested bids from companies to do the abatement removing the collapsed roof, etc.
- 7) What is the timeline for the 2 sections of Union Street to become one-way?
 - 1) We are waiting for Pavement Solutions to do micro sealing on Union Street and for striping contractor to paint the new lines. Expected timeline in after July 4th.
- 8) Are there any updates on Burnbrae? Have you had any recent discussions with the owners?

- a) We met with the owners late in May. They appear to be interested in a Phase I of development. We will work with them to refine the concept plan and submit that plan for READI dollars.
- 9) Update on retaining wall on Hamilton Street
- a) I met with Mr. Jimenez on Friday regarding this and other matters. We need to check on some structural issues regarding the foundation of the house as the wall is repaired or rebuilt. I'll update the board next month.
- 10) Has the city been reimbursed for abatements on Cook Street and Dodge Street?
- a) No reimbursements have been received. The next step will be to place liens on those properties
- 11) Regarding exterior structure violations, what happens if the property owner does not comply or cannot afford to comply?
- a) By code, property owners can be fined for not being in compliance. It is unlikely that the City will want to do the abatement on these properties. During Stellar, the City was able to offer grants for rehabilitation for owner-occupied housing in need of repair based on income level. The City will contact K-IRPC to see if such grant programs are available. Also, this could be an area addressed by Council in the upcoming budget cycle.

Board Comments.

Councilwoman Flora read a statement regarding the duties and responsibilities of Council members to enact legislation and set the budget for the City. She reminded members that their authority to act is only as a group, not as individuals.

Public Comments

Denny Myers, 949 N. Washington Street asked about the bidding process for the parcels behind Save-a-Lot. Mayor Werling indicated that the bid notice would be published in the Comet the next two weeks and that bids would be accepted beginning June 29th and could be halted any time within 60 days of that date. The bids would be submitted to the City Building and could be reviewed by the public during normal business hours.

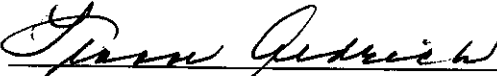
Tony Brooks thanked those responsible for the presentation on golf carts and expressed his opinion that they should be allowed throughout the City.

Adjournment.

There being no additional business, Gayle Conner moved to adjourn. Second by Cody Nelson. Without objection, the meeting adjourned at 7:25 p.m.



Mayor Anita Werling



Clerk-Treasurer, Leanne Aldrich, Attest