



Agenda

Delphi Common Council

Monday March 3, 2025 6:00 P.M.

Live streamed on Delphi Indiana You Tube Channel

<http://www.youtube.com/@delphiindiana491>

- I. Calling to Order
- II. Pledge of Allegiance
- III. Roll Call Clerk Price
- IV. Reading & Approval of Minutes
 - a. February 3, 2025
- V. Department Head Reports
- VI. Other Business
 - a. Jonathan Blake Interim CCEDC Director
 - b. Julia Leahy Delphi Main Street Update
 - c. Clarifier Update
 - d. Semi Traffic Washington Street
- VII. Unfinished Business
 - a. Morning Heights Cemetery
- VII. New Business
- VIII. Future Business & Announcements
- IX. Miscellaneous Business
 - a. Board Comments
 - b. Clerk Treasurer Price
 - c. Public Comments
 - d. Adjournment

Subject to Change

The City of Delphi acknowledges its responsibility to comply with the Americans with Disabilities Act of 1990. To assist individuals with disabilities who require special services (i.e. sign interpretive service, alternative audio/visual devices, and amanuenses) for participation in or access to City-sponsored public programs, services, and/or meetings, the City asks that individuals make requests for these services at least forty-eight (48) hours ahead of the scheduled program, service, and/or meeting. To make arrangements, please contact the City at (765) 564-2097



Common Council Meeting– February 3 , 2025
2nd floor City Building 6:00 pm
201 S. Union St. Delphi

Council was called to order at 6:00 pm on the second floor of the city building. Live streamed on Youtube and opened with the Pledge of Allegiance.

Roll call was given by clerk/treasurer-Julie Price. Members present: Kamron Yates, Denny Myers, Doyle Moore, Erin Jubril, and Spencer Kingery. Cody Nelson was late arriving at 6:07pm.

The minutes for January 6, 2025 council meeting was presented for approval. There were no additions or corrections. No discussion for the minutes. Motion to approve the minutes made by Spencer Kingery seconded by Denny Myers. Motion carried and passed. (4-0)

Department Head reports were sent to council prior to the meeting for review. With no objection, the reports were accepted and approved.

Other Business:

Mayor Yates stated that the CCMG 2025-1 was submitted for the City. The project submission was for Market/Adams micro-surfacing and no changes from the last submission.

Unfinished Business:

None

New Business:

Morning Heights Cemetery information was submitted to the council to determine if there would need to be a cemetery board created or if it would be a council based decision regarding the cemetery and the additional plots that have been surveyed and ready for purchase. Clerk/treasurer Price gave information supplied to her for suggestions for pricing, rules, and regulations concerning the cemetery. Several public questions were asked before the board decided to send back to city legal counsel Miriam Robeson. Doyle Moore made a motion to table the discussion and decisions until a later date. Seconded by Cody Nelson. Motion carried and passed. (5-0)

Mayor Yates announced that there would be a retirement celebration in honor of Bill Schock who served over 60 years for the city on the fire department. It will be held Saturday, February 8, 2025 at noon. Public is invited to attend.

Future Business:

None

Miscellaneous Business:

None

Board Comments:

None

Clerk/Treasurer Comments:

None

Public Comments:

Fire Chief Dan Dulin questioned why the firefighters have not been paid for the trial hours worked. Clerk-Treasurer Price commented that it had not been done due to the fact that there is currently not a legal solution to do so. She stated she had spoken with several government agencies, and no one has confirmed that it could be done at the moment. No solution for the issue has been discovered. Dan also mentioned the hydrant contract to which Clerk/treasurer Price stated that there has been no movement because the fire territory lawyer and city lawyer still have not been able to remedy the situation due to contact issues between counsel to discuss. He commented that an invoice had been placed in his mailbox to which Price stated it was for his knowledge/information that hydrant contract payments had gone out, but as she stated in the fire meeting that he was not expected to pay it because of the current questions about the rental. It was simply for his information. He also questioned whether the city attorney had completed the updates to the fire ordinance. Mayor Yate stated that they had not been forgotten and Miriam would be working on the items mentioned.

Adjournment

Without objection and no other business or comments, the motion to adjourn Common council was made by Erin Jubril and seconded by Denny Myers. Motion carried (5-0) and meeting adjourned at 7:00 p.m.

Mayor Kamron Yates

Julie Price, Attest

Community Development Director's Report/Julia Leahy - February 2025

Delphi Main Street (DMS)

DMS board met with OCRA in regard to our IAMS Accreditation in hopes of improving our score and advancing to the next level of Main Street. We will be notified by mid-March of those results. In addition, OCRA had a list of items we needed to achieve including Conflict of Interest for all board members, accounting software for regular financial tracking (XCEL/Sheets not acceptable), regular reporting of local investments and employment data, just to name a few.

Board met 2/10 and appointed Mark Mendel the new DMS president.

I have had onboarding with OCRA as well as Maestro training (required reporting platform). Met with webmaster to update DMS website and social media.

Upcoming event coordination: Mardi Gras (3/15), Easter Egg Hunt (4/19) and Do It In Delphi Market Days May-October (3rd Saturdays)

Façade Improvement Grant – committee reviewed an application and approved up to \$5,000 (corner of Main & Washington/former Longman bldg.)

Working with Delphi Preservation Society on an arts grant to redo the mural on the Whiteman building (Frankline/Washington) through the Indiana Arts Commission (due ¾)

Permits

Responded to three new requests for projects: remodel (fire damage), new commercial construction, and new multi-family residential.

Responded to a few pending permits as well as researching former director's files, etc.

Other Items

TV Interview with ABC for a special to air this fall

Radio interview on WILO/Frankfort

Carroll County Chamber State Legislative Luncheon and Greater Lafayette Commerce State of the Cities & County luncheon

Community Foundation Non-profit roundtable

Wrote an article on tourism in rural communities for Building Indiana magazine

Researching new Christmas lights for the monument

Veteran's Banners – met with Rotary and St. Elizabeth for a project update

Researching grants for pickle ball courts with the Parks Board

Met with Edwin and Emily from KIRPC to discuss future projects, grant opportunities, and I will begin serving on the Safe Streets and Roads for All Action Plan (SS4A Action Plan)

Steering Committee

FEBRUARY 2025 MONTHLY REPORT;

February 4, 2025, the Delphi Police Department responded to a train vs. vehicle crash at the Main Street crossing. Officer Martin and Officer McLeland conducted a thorough investigation and handled the situation excellently. Their rapid response in handling the accident assisted in getting the roadway back open in a timely manner.

February 17, 2025 was Officer Dennis' final shift as a full-time officer with Delphi Police Department. His service to the city is extremely appreciated and we wish him the best of luck in his future at Monticello Police Department.

Officer McLeland completed his law enforcement phlebotomy certification this month. This will assist officers in completing blood draws in OWI investigations. This will be a huge asset to law enforcement in Carroll County.

Sergeant Deckard attended the Indiana Drug Enforcement Association's yearly conference training. This training contained 18 hours of legal updates, state mandated training, and numerous other classes on drug enforcement and tactics.

326 -CALLS FOR SERVICE

9 - CRASH REPORTS

21- Case reports

2- Felony arrest

7 - Misdemeanor arrests

105 -Traffic stops

27 -citations

94- warnings

DELPHI WASTEWATER PLANT
PROTECTING THE ENVIRONMENT
2251 N. State Road #25
DELPHI, IN 46923

PLANT SUPERINTENDENT
RICHARD W. VANSICKLE
Phone 765 564-2313
Email delphiwwtp@gmail.com

March 2025

Fuel Consumption (Gallons)

January - 42.4
February - 39.6

YEAR - 82.0

Wastewater Treated (Gallons)

January - 30,932,000
February - 26,081,000

YEAR - 57,013,000

*NOTE: All numbers are as of 2/26/2025

Bio – Solids Pressed and Land Applied (Merrell Bros.)
YEAR – 40 Cubic Yards

Chlorine Usage (Pounds)
Season begins 04/01/2025

Sulfur Dioxide Usage (Pounds)
Season begins 04/01/2025

Sodium Aluminate Usage (Gallons)
YEAR – 5,758

HIGHLIGHTS

1. Merrell Bros. hauled approximately 216,000 gallons of bio-solids during February.
2. American Pump Repair replaced the check and plug valves, in the valve pit, for both in-plant lift station pumps.
3. Semi-annual Toxicity testing was performed by Biomonitor. The tests showed no toxicity. The next set of tests will be in June.
4. The clarifier project is winding down. Work continues on the rehabilitation of clarifier #1 (the old west clarifier). Also, upgrades to the original scum pit will include check and plug valves, one set of guide rails and probable scum pump replacement.

Street & Parks Department February Highlights

- Snow removal
- Trimmed back brush in Alley's
- Swept Streets
- Hauled stone for stockpile
- Cleaned out flowerbeds uptown
- Replaced light in the Community Center as well as furnace maintenance.
- Installed rubber matting in Riley Playground around equipment where concrete was exposed.
- Removed Hazardous trees on Franklin St.
- Removed debris from the canal weir.
- Spring Maintenance on the Levee Pump Station pumps is scheduled for March.
- We have not received the official letter yet, but we did get word that we are approved for the entire CCMG 2025-1 application that we applied for. This is going to include Market Street and our yearly maintenance.

City of Delphi Water Works

BOW and Council Meeting

3/3/25

Highlights

- Read meters.
- Sent out 4 each Fluoride and Bacti Samples
- Total Gallons pumped TBA
- 134 Locate Requests
- 54 Daily Service Calls
- Daily checking of High and continuous consumption users (192 total for the month)
- Daily checking of meter communication alarms (127 total for the month)
- Hauled stone and graded gravel drives
- Assisted with Snow
- Maintained road cuts daily
- Replaced Service line at 757 E. Monroe (Boring Company hit line)
- Put Desk together for Community Director
- Water Leak 1125 S. Hamilton (4" Main)(Saturday)
- Water Leak 1107 Elizabeth (4" Main)
- Cleaned Shop and organized

Thank you,

Craig A. Myers

Water Superintendent



Delphi Clarifier Project Progress Report

NTP: 09/20/2022

PROJECT NAME	Wastewater Clarifier Project
PROJECT MANAGER	Dick Vansickle
CONSTRUCTION MANAGER	Mike Biesecker, BF&S
CONSTRUCTION INSPECTION:	Rob Surber, BF&S Bret Dirbas, BF&S

Delphi Clarifier Project

Completion Date: 10/18/2024

- Summary of Activities Previous 3 Weeks (Week Ending: 02/27/2025)
 - Completing rehab for Existing Clarifier's #1 and #2.
 - Completing final grading around Clarifier's.
 - Started additional rework on Scum Boxes for Clarifier's #1 and #2.

- Anticipated Activities for the Upcoming (Week Ending: 02/27/2025)
 - Complete the additional rework on the Scum Boxes for Clarifier's #1 and #2.
 - Come back when weather is suitable and finish grading and seeding various areas.
 - Pre-Final Walkthrough on 3/3/2025.
 - Work on Punchlist Items from Pre-Final.

- Substantial Completion is anticipated to be 3/3/2025.

- Total project Completed as of week ending 02/27/2025: 99%

8450 Westfield Blvd, Suite 300
Indianapolis, IN 46240
317.713.4615
bfsengr.com



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Jonathan Blake

Senior Director of Planning: Jonathan Blake is an urban planning professional with more than 20 years experience in local government administration, including complex project management, operations, and executive-level leadership. Throughout his career, he has been responsible for managing programmatic and capital projects, geospatial analysis, public engagement, and public policy development and implementation. He has successfully managed more than \$45.2 million in federally funded transportation projects and \$90 million in public-private partnerships.

As Senior Director of Strategic Planning, Jonathan serves as both a visionary leader and operational manager for the planning and community development services offered at RJI Solutions. Jonathan provides leadership, direction, and general administrative oversight to the Grants & Strategic Planning department, serving as the conduit between the Grants & Strategic Planning department and the Executive Team, ensuring that the daily tasks of the team contribute to the overall vision of the company.

Jonathan is certified by the American Institute of Certified Planners (AICP), Certified Park & Recreation Professionals (CPRP), and Advance Commercial Advisors (ACA). He has a Bachelor of Science from Purdue University and is currently pursuing a Master of Business Administration at Butler University. Additionally, Jonathan is a member of the American Planning Association (Environmental Division, City Planning Division, and Indiana Chapter), the National Recreation & Park Association, the Indiana Park & Recreation Association, and the Indiana Commercial Board of REALTORS

Attachment 2
Morning Heights Cemetery Update for Common Council

ORDINANCE NO. 2025-___
ORDINANCE ESTABLISHING RULES AND REGULATIONS FOR
MORNING HEIGHTS CEMETERY AND TRANSFERRING GOVERNANCE OF MORNING HEIGHTS CEMETARY
TO BOARD OF PUBLIC WORKS AND SAFETY

WHEREAS, Morning Heights Cemetery is the municipal cemetery owned and operated by the City of Delphi, Indiana;

WHEREAS, the City of Delphi has purchased an additional two (2) acres that serve as a new section of Morning Heights Cemetery;

WHEREAS, Indiana Code § 23-14-65, *et seq.* provides that the Common Council of the City of Delphi, Indiana has the power to govern Morning Heights Cemetery as the Cemetery Board and to establish all necessary rules and regulations for the management of Morning Heights Cemetery;

WHEREAS, the Common Council has reviewed the current ordinances for the cemetery in Title IX, Chapter 98 entitled "CEMETERIES", of the Code of Ordinances for the City of Delphi and determined it is in the best interest of the City to repeal and restate Chapter 98, which includes new and revised rules and regulations for the cemetery as well as a revised fee schedule to ensure the proper maintenance of Morning Heights Cemetery;

WHEREAS, the Common Council desires to authorize the Mayor to sign and execute deeds to burial plots in Morning Heights Cemetery and to sign and execute deeds, declarations of deed, and other necessary documents with respect to acquiring real estate for cemetery purposes;

WHEREAS, the Common Council has the authority to transfer control the role of Cemetery Board and governance of Morning Heights Cemetery to the Board of Public Works and Safety pursuant to Indiana Code § 23-14-65-9;

WHEREAS, the Common Council proposes to transfer the role of Cemetery Board and governance of Morning Heights Cemetery to the Board of Public Works and Safety in order to improve the efficiency of managing Morning Heights Cemetery;

WHEREAS, pursuant to Indiana Code § 23-14-65-13, the Common Council set the proposed transfer of management and control of Morning Heights Cemetery for public hearing on _____, 2025 and ordered the Clerk-Treasurer to publish notice of the hearing in the Carroll Comet once a week for two (2) weeks prior to the hearing date; and

WHEREAS, at least five (5) days have passed since the public hearing was held on _____, 2025, and upon consideration of the views of lot owners and taxpayers expressed at the hearing, the

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Morning Heights Cemetery Update for Common Council

Common Council intends to proceed with transferring the role of Cemetery Board and governance of Morning Heights Cemetery to the Board of Public Works and Safety;

NOW THEREFORE, BE IT ORDAINED by the Common Council of the City of Delphi, Indiana that:

Section 1: Title IX, entitled GENERAL REGULATIONS, Chapter 98, entitled CEMETERIES is hereby repealed and restated as in Exhibit A attached hereto.

Section 2: The Common Council hereby authorizes the Mayor of the City of Delphi, Indiana to sign and execute deeds to burial plots in Morning Heights Cemetery and to sign and execute deeds, declarations of deeds, and other necessary documents with respect to acquiring real estate for cemetery purposes. Furthermore, the Clerk-Treasurer is authorized to attest to the Mayor signing such documents.

Section 3. The role of Cemetery Board and governance of Morning Heights Cemetery is hereby transferred from the Common Council to the Board of Public Works and Safety.

Section 4. If any section, sentence, or provision of this ordinance or the application thereof to any person or circumstance shall be declared invalid, such invalidity shall not affect any of the other parts of this ordinance which can be given effect without the invalid part, and to this end the provisions of this ordinance are declared severable.

Section 5. This ordinance shall be in full force and effect upon adoption by the Common Council and approval by the Mayor.

Passed and adopted by a majority of the Common Council of the City of Delphi, Indiana, this ____ day of _____ 2025.

Kamron Yates, Presiding Officer

Attest: Julie Price, Clerk-Treasurer

Approved / Vetoed by me, the Mayor, this ____ day of _____ 2025.

Kamron Yates, Mayor

Attest: Julie Price, Clerk-Treasurer

Attachment 2
Morning Heights Cemetery Update for Common Council

EXHIBIT A
CHAPTER 98 CITY CEMETERIES (as restated)

§ 98.01 DESIGNATION OF CITY CEMETERY.

Morning Heights Cemetery is designated as the city cemetery.

§ 98.02 CEMETERY BOARD.

The Board of Public Works and Safety is hereby appointed to act as the Cemetery Board for Morning Heights Cemetery. At least once every ten (10) years, the Common Council shall review the status of the control and maintenance of Morning Heights Cemetery.

§ 98.03 POWERS AND DUTIES OF CEMETERY BOARD.

- (A) The Cemetery Board shall supervise, maintain, and operate the Morning Heights Cemetery in accordance with the applicable statutes.
- (B) The Cemetery Board shall have the power to make all necessary rules and regulations for the management of Morning Heights Cemetery, to determine the rates to charge the users of the cemetery, to sell burial plots, and to exercise all other powers and authority provided under IC 23-14-65, *et seq.*, as may be revised from time to time.
- (C) All cemetery charges and fees shall be fixed by ordinance of the Common Council upon recommendation of the Cemetery Board.
- (D) The Cemetery Board shall award contracts in accordance with IC 5-16-1 and IC 5-17-1, as may be revised from time to time.
- (E) The Cemetery Board shall prepare an annual budget for the cemetery in the same manner as other offices and departments of the City of Delphi.
- (F) During January of each year, the Cemetery Board shall provide the Common Council with a financial report that provides information on the financial condition of the Cemetery Board, the business done by the Cemetery Board during the previous year, and a statement showing the receipts and expenditures of the Cemetery Board for the year.
- (G) The Cemetery Board may not expend funds without prior appropriation by the Common Council. If the revenues of the Cemetery Board are not sufficient to meet the current operating expenses and amounts to be paid for the purchase of cemetery lands or other property, the deficiency in the revenues may be resolved through an appropriation from the general fund of the City of Delphi.

§ 98.04 PERMANENT CEMETERY MAINTENANCE FUND.

- (A) The Permanent Cemetery Maintenance Fund is hereby established for the perpetual maintenance of Morning Heights Cemetery.
- (B) Thirty percent (30%) of the proceeds from the sale of cemetery lots shall be transferred to the Permanent Cemetery Maintenance Fund. Such transfers shall be performed on at least a quarterly basis by the Office of the Clerk-Treasurer.

Attachment 2
Morning Heights Cemetery Update for Common Council

- (C) The income from the Permanent Cemetery Maintenance Fund shall remain in the fund except that income derived from this fund and its accretions may be used, in whole or in part, as part of operating the cemetery if the revenue from the sale of lots and other income from Morning Heights Cemetery becomes insufficient to meet the expenses of maintaining the cemetery.
- (D) Undesignated gifts, donations, bequests or devises of money or of real or personal property made by individuals to the city for use in maintaining and operating Morning Heights Cemetery shall be placed in the Permanent Cemetery Maintenance Fund.
- (E) Any gift, donation, bequest or devise of money or of real or personal property given to the city or for the purpose of maintaining a particular plot or section and any income therefrom shall be used only for the upkeep and maintenance of that particular cemetery plot or section.

§ 98.05 PURCHASE AND FEES.

- (A) Sale of Plots. The Clerk-Treasurer shall manage the sale of burial plots, documents of title, and transfers. It is the duty of the Clerk-Treasurer to maintain a listing of all sales of cemetery plots and documents of title issued by the City of Delphi.
 - (1) All fees must be paid fully to the Clerk-Treasurer in advance of reserving the burial plot or interment.
 - (2) Upon payment in full of a burial plot, the Clerk-Treasurer shall prepare a deed to a specific burial plot in the name specified by the purchaser. The legal owner of any burial plot is the person named on the deed.
 - (3) The deed shall be signed in the presence of a notary by the Mayor or the Mayor's designated representative and attested to by the Clerk-Treasurer. The Clerk-Treasurer shall deliver the original deed to the purchaser within 30 days of the date of purchase.
- (B) Transfer of Plots.
 - (1) A plot owner may transfer the plot to individual. No plot owner shall be permitted to sell or transfer any unused burial plot to any third-party entity.
 - (2) Requests to transfer a plot may be submitted in person or in writing to the Clerk-Treasurer along with a copy of the original deed, proof of identification of the original plot owner, and proof of identification of the transferee. Upon approval of the transfer, the Clerk-Treasurer shall prepare a new deed to the new owner as provided in this section.
 - (3) In the event that an original plot owner wishes to release the plot, he or she shall present a written request setting out the section, number, and location of the plot as well as proof of legal ownership of the burial lot to the Clerk-Treasurer. Upon submission of the written request and proof of legal ownership, the Clerk-Treasurer shall purchase that plot for the original purchase price only. This plot will be transferred by deed to Morning Heights Cemetery.
- (C) Fees. The fee schedule purchasing or transferring a burial plot in Morning Heights Cemetery is as follows:

Purchase of Burial Plot	\$500 each
Ownership Transfer	\$35 per deed

Attachment 2
Morning Heights Cemetery Update for Common Council

§ 98.06 USE OF BURIAL PLOTS.

- (A) Authorized Use of Burial Plots. The legal owner may authorize the use of a burial plot for a deceased person if that authorization is in writing, accompanied by proof of ownership of the plot, and delivered to the Clerk-Treasurer.
- (B) Pauper Burials.
- (1) Individuals dying while residing in the City of Delphi without leaving: money, real or personal property, other assets that may be liquidated, other means necessary to defray burial expenses, or without a child with the means or assets to provide financial support for the individual's burial pursuant to the provisions of IC 31-16-17-1(2), shall be eligible for pauper burial in Morning Heights Cemetery.
 - (2) Before interment of the decedent, the decedent's next of kin or personal representative of the decedent's estate shall submit written proof of inability to pay for burial space to the Clerk-Treasurer.
 - (3) The City reserves the right to either open a decedent's estate pursuant to the provisions of IC 29-1-7-4, or any statute amendatory therefore or supplemental thereto, for the purpose of filing a claim against the estate of the decedent should it be determined that the decedent had sufficient assets to pay for the burial space.
- (C) Unused Plots.
- (1) Without interment by the legal owner or other deceased person which interment was authorized by the legal owner or release of the plot to Morning Heights Cemetery, the burial plot shall remain unused indefinitely.
 - (2) Upon the death of the legal owner, a burial plot not used or transferred under the probate process may be transferred by the original owner's legal representative only as provided in this section.

§ 98.07 HEADSTONES AND MONUMENTS.

- (A) Installation of Permanent Headstones and Monuments.
- (1) The foundation shall be 4 inches around all sides of the headstone or monument to be installed and shall be at least 34 inches deep.
 - (2) Foundations and monuments shall be installed only by a monument company authorized by the Cemetery Board. The authorized monument company shall have worker's compensation insurance and general liability insurance certificates on file with the Clerk-Treasurer.
 - (3) It is the responsibility of the company installing the foundation and monument to meet the standard of performance for work of this nature in the industry, as well as the requirements of this section.
 - (4) The Cemetery Board has the right to reject the installation of a foundation or a monument that is not properly installed and to require the foundation or monument be removed and installed correctly. Costs of the removal of foundation or monument, as well as the costs of reinstallation, are the responsibility of the person, firm, or corporation installing the foundation or monument or the person hiring the work done.

Attachment 2
Morning Heights Cemetery Update for Common Council

- (B) Restrictions. If any headstone, monument, or other structure whatever, or any inscription placed upon any plot, which shall be determined to be offensive, improper, or injurious to the appearance of the surrounding plots or grounds, the Cemetery Board shall have the right to authorize cemetery personnel to enter upon such plot and remove the said offensive or improper object or objects.

§ 98.08 GROUNDS REGULATIONS.

The grounds of Morning Heights Cemetery are sacredly devoted to the interment of the human dead. It is with this purpose that the following rules and regulations are established for the grounds of Morning Height Cemetery. These rules and regulations may be added to or modified at the discretion of the Cemetery Board.

- (A) No person shall operate a vehicle within the cemetery grounds at a speed in excess of any speed limit posted within Morning Heights Cemetery or in excess of ten (10) miles per hour if there is no posted speed limit.
- (B) No person shall permit a dog or other pet to run loose within the cemetery grounds.
- (C) No person shall leave animal waste on the cemetery grounds.
- (D) No person shall use or be under the influence of alcoholic beverages or illegal drugs of any kind within the Morning Heights Cemetery Grounds.
- (E) No person shall leave any trash, debris, or other waste materials on the cemetery grounds.
- (F) No person shall dig at the grave site or plant trees, shrubs, flowers, or any other growing thing. All plantings made in violation of this rule will be removed and the plot will be reseeded as necessary without notice.
- (G) No one shall be in Morning Heights Cemetery after dark.
- (H) It shall be unlawful for any person to desecrate any grave or cemetery property by reason of destruction of property or other act of vandalism.

§ 98.09 CEMETERY MAINTENANCE.

All cemetery maintenance within the boundaries of Morning Heights Cemetery including, but not limited to, ground repair, installing proper facilities for furnishing lighting, and mowing of grass, shall be performed by authorized city personnel or by contract awarded by the Cemetery Board and approved by the Common Council.

§ 98.10 CEMETERY SECTIONS.

The Cemetery Board is authorized to designate sections of the cemetery grounds for specific purposes.

§ 98.11 EXPANSION OF CEMETERY GROUNDS.

- (A) Purchase of Property. The Cemetery Board may purchase on behalf of the City of Delphi any other property for cemetery purposes that is located within five (5) miles from the corporate limits of the city. The property may be adjoining or located conveniently near Morning Heights Cemetery.
- (B) Eminent Domain. The Cemetery Board may exercise the power of eminent domain within the boundaries of the city and also outside the city, within a distance of five (5) miles from the

Attachment 2

Morning Heights Cemetery Update for Common Council

corporate limits of the city. The Cemetery Board must proceed in accordance with the statutes applying to municipalities when exercising the power of eminent domain.

(C) When the Cemetery Board acquires property for cemetery purposes, the Cemetery Board must prepare a Declaration of Deed and record the Declaration of Deed along with the survey and plat prior to selling any burial plots in the acquired property.

(1) The Declaration of Deed shall be signed in the presence of a notary by the Mayor or the Mayor's designee and attested by the Clerk-Treasurer.

§ 98.99 PENALTY.

Any person who shall violate or fail to comply with the provisions of this chapter, or who shall counsel, aid or abet any such violation or failure to comply shall be deemed guilty of an offense and shall be punished by a fine as set in the Ordinance Violations Bureau Schedule of Ordinance Violations. Any violation of this chapter not listed in the Schedule of Ordinance Violations shall be punished by a fine not to exceed the statutory limits for ordinance violations. Each occurrence of a violation shall constitute a separate offense.

DRAFT - FOR REFERENCE ONLY

MORNING HEIGHTS CEMETERY
Update for Common Council, March 3, 2025

CURRENT STATUS

- Under Indiana law, the Common Council is the default Cemetery Board for Morning Heights Cemetery.
- The current ordinances for Morning Heights Cemetery are codified in Chapter 98 of the Code of Ordinances for Delphi. (Attached as **Attachment 1** for reference)
- Before the City can begin selling plots in the new section of Morning Heights Cemetery, the City needs to record the Dedication of Deed (DOD) with plat showing cemetery plots dedicating the plat for cemetery use

WHAT THE COMMON COUNCIL CAN DO AS ACTING CEMETERY BOARD

- The Common Council can set a new cemetery fee schedule by ordinance.
 - Can set cost of burial plots as well as charge a fee for transferring plots to new owners, with exceptions for related parties
 - Maintenance Fees
 - Private cemeteries typically charge a separate perpetual care fee, but cities are not required to charge a separate fee. (In reviewing a sampling of fee schedules for other small Indiana cities, there was not a separate maintenance fee presented.)
 - Indiana law allows up to 50% of proceeds from the sale of burial plots to be set aside in a permanent maintenance fund for maintaining the cemetery.
- The Common Council can set requirements and restrictions on the sale / transfer of burial plots.
 - This can include prohibiting sales to third-parties and restricting transfers to individuals.
 - Can require cash sales for burial plots (no payment plan)
- The Common Council can set requirements for headstones / monuments, including, but not limited to, minimum foundation specifications, restricting installation to authorized monument companies, authorizing removal of improper or offensive headstones / monuments.
- The Common Council can establish conditions for pauper burials in Morning Heights Cemetery such as requiring proof from local agencies, the decedent's next of kin, or personal representative of decedent's estate of inability to pay.
- The Common Council can decide to contract services such as cemetery maintenance pursuant to Indiana law on municipalities awarding contracts, or the Council can continue to use the Street Department for maintenance
- The Common Council may transfer the role of Cemetery Board and governance of the cemetery to another body permitted under IC 23-14-65, *et seq.* This has to be done by ordinance with public hearing.

RECOMMENDATIONS

- Transfer the role of Cemetery Board and governance of Morning Heights Cemetery to the Board of Public Works and Safety (BOW) for the following reasons:
 - BOW is an existing board with general administrative oversight authority
 - BOW meets more frequently than the Common Council
 - BOW is a smaller board that serves at the pleasure of the Mayor, which simplifies filling vacancies and has less risk of turnover due to election cycles
 - BOW does not have additional statutory requirements (e.g. term limits, plot ownership) imposed on other types of bodies that can serve as Cemetery Boards under IC 23-14-65, *et seq.*
- Fee Schedule:
 - Start with a flat fee for burial plots and consider if other fees are needed in the future for other types of plots (e.g., infant burial plots, niches for cremains).
 - If the Common Council decides to not have a separate perpetual maintenance fee, determine a percentage of the proceeds from the sale of plots to be set aside in a perpetual maintenance fund. Perhaps start at 25-30% to determine if that provides sufficient funding to cover maintenance expenses.
 - Charge a small fee for processing plot transfers and issuing new deeds.
- Create a “Perpetual Maintenance Fund” to receive funds for maintenance of the cemetery, even though there is an expense line item under the Parks Dept.
- Set basic rules and regulations for the cemetery that will help in maintaining the cemetery grounds.
- Set general roles and duties of the Cemetery Board based on the powers and authority of the Cemetery Board under IC 23-14-65, *et seq.* (E.g., creating an annual cemetery budget, submitting fee schedule updates to Common Council to adopt by ordinance, etc.)
- Give Mayor and Clerk-Treasurer signing authority on burial plot deeds and real estate documents (e.g., Declaration of Deed) related to Morning Heights Cemetery so that the City can get the required real estate documents recorded and begin selling plots in the new section.
- Since most of the above needs to be done by ordinance, prepare and adopt a single, comprehensive ordinance that repeals the existing Chapter 98 in the Code of Ordinances and restates Chapter 98, which will include the updated fee schedule, basic rules and regulations, general roles and duties of the Cemetery Board, etc.
 - Have this same ordinance also authorize the signing authority of the Mayor and Clerk-Treasurer and transfer the role of Cemetery Board from the Common Council to the BOW.
 - A mock-up ordinance is attached as **Attachment 2** for **reference only and is not a proposed ordinance for consideration by the Common Council.**

PROCEDURAL REQUIREMENTS FOR TRANSFERRING ROLE OF CEMETERY BOARD

- The Common Council will need to set a public hearing on the proposed transfer. Notice will need to be published once a week for 2 weeks prior to the hearing date. Then, at least 5 days after the hearing, the Common Council can adopt the ordinance to transfer the Cemetery Board. (See IC 23-14-65-13)

Attachment 1
Morning Heights Cemetery Update for Common Council
Chapter 98 Cemeteries Excerpt from 2025 Edition of Delphi Code of Ordinances

(Ord. 4-81, passed 6-15-81)

§ 97.99 PENALTY.

Any person who shall violate or fail to comply with the provisions of this chapter, or who shall counsel, aid or abet any such violation or failure to comply shall be deemed guilty of an offense and shall be punished by a fine as set in the Ordinance Violations Bureau Schedule of Ordinance Violations. Any violation of this chapter not listed in the Schedule of Ordinance Violations shall be punished by a fine not to exceed the statutory limits for ordinance violations. Each occurrence of a violation shall constitute a separate offense.

(Ord. 4-81, passed 6-15-81; Am. Ord. 2020-4, passed 11-2-2020)

Statutory reference: Penalty, see IC 36-1-3-8(a)(10)

CHAPTER 98: CEMETERIES

Section

- 98.01 Designation of cemetery
- 98.02 City to operate
- 98.03 Grave charge
- 98.04 Desecration of graves; vandalism
- 98.99 Penalty

§ 98.01 DESIGNATION OF CEMETERY.

Morning Heights Cemetery is designated as the city cemetery.

('63 Code, § 17-20)

§ 98.02 CITY TO OPERATE.

The city shall supervise, maintain and operate the Morning Heights Cemetery in accordance with the statutes applicable and shall enact such rules and regulations as are necessary for its proper care and operation.

('63 Code, § 17-21)

§ 98.03 GRAVE CHARGE.

The cost of a grave shall be \$8.

('63 Code, § 17-22)

§ 98.04 DESECRATION OF GRAVES; VANDALISM.

It shall be unlawful for any person to desecrate any grave or cemetery property by reason of destruction of property or other act of vandalism.

('63 Code, § 17-23)

§ 98.99 PENALTY.

Any person who shall violate or fail to comply with the provisions of this chapter, or who shall counsel, aid or abet any such violation or failure to comply shall be deemed guilty of an offense and shall be punished by a fine as set in the Ordinance Violations Bureau Schedule of Ordinance Violations. Any violation of this chapter not listed in the Schedule of Ordinance Violations shall be punished by a fine not to exceed the statutory limits for ordinance violations. Each occurrence of a violation shall constitute a separate offense.

('63 Code, § 17-24; Am. Ord. 2020-4, passed 11-2-2020)