

COMMON COUNCIL MEETING

August 1, 2022

6:00 P.M. Community Center

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

Clerk-Treasurer Aldrich called the roll:

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

The minutes for the July 18, 2022 special session were presented for review. Spencer Kingery moved to accept the minutes as presented. Second by Cody Nelson. Without objection the minutes were approved as read.

Reports.

Sandra Flora reported that the Area Plan Commission reviewed two rezone applications approving one near 218 at SR25 and tabling the other near Camden. 155 permits were issues; 17 new homes.

Cody Nelson reported that the NWISWD met to approve the 2023 budget and may need to address fee increases in future. Mayor Werling reported that the Fire Territory Executive Board approved the 2023 budget following approval by the territory boards. Gayle Conner reported that the Delphi Redevelopment Commission identified parcels to include in the commercial TIF area; one of those parcels was rezoned to I2 by the APC and approved by the Commissioners; next step is for DRDC to present a resolution to the Commissioners to include county parcels in the DRDC allocation area.

New Business.

Proposed Ordinance 2022-15 Regulating UTVs and Golf Carts was introduced in draft form. Mayor Werling asked Justin Barbour if he had had a chance to review the draft; Barbour responded that except for some formatting and other consistency issues, he found the ordinance to be in good order. Cody Nelson moved to pass Ordinance 2022-15 on first reading so that discussion could take place. Second by Sandra Flora. Cody indicated that he had taken into consideration the materials presented by the group petitioning for the ordinance and had pulled elements from ordinances of other communities which seemed to fit Delphi's needs. In discussion, the age was changed from 18 to 16 to follow BMV guidelines for licensing. Definitions were discussed and agreed upon. Golf carts allowed 20 minutes before sunrise and 20 minutes after sunset. Headlights and turn signals are required for vehicle to be permitted within Delphi. First time application fee of \$50; \$25 renewal fee. To receive a permit, applicants will fill out a registration form and pay permit fee; the vehicle will be inspected by a police office at the owner's home by appointment; sticker must be displayed on the vehicle indicating it has been permitted and has passed inspection. Golf carts and UTVs will be prohibited in the downtown on any streets with angled parking. East Main Street past the fire station was removed from excluded streets.

Penalty: first offense is \$25 or verbal warning at officer discretion; second offense is \$50; third offense and subsequent is \$100; after third offense, permit is suspended for two years. Effective date for implementing ordinance will be set to allow Clerk's office time to implement policies and procedures. A sunset provision will allow the ordinance to die one year from implementation date unless extended by Council.

Justin Barbour recommends changing ordinance from Title 91 to Title 7, Chapter 77. Traffic Code. Question about the number of passengers allowed in a vehicle – language will be changed to "as designed to be" by the original manufacturer.

Public input. Excluding Armory Road doesn't allow access to 200 N. recommend excluding Armory Road only during start and end of school. Exception for school vehicles; a sticker will be required but no permit fee will be charged unless operated on streets other than Armory Road.

Cody Nelson indicated he would work on revisions to the draft and get those to Justin Barbour to review. Council was asked to set a special session to review the revised ordinance. Monday, August 15, 2022 at 6:00 p.m. was agreed upon. Cody Nelson moved to table Ordinance 2022-15 until the special session. Second by Spencer Kingery. Motion carried. (5-0)

Proposed Resolution 2022-15 to accept the donation of 402 S. Washington Street was presented for review. In the donation agreement, the City of Delphi would agree to take care of back taxes on the two parcels amounting to about \$10,000. Once ownership transfers, the property would be tax exempt. Cody Nelson moved to accept the donation. Second by Mike Isley. Cody Nelson asked what the repair costs would be. Mayor Werling stated that the estimate to clear debris from the rear building and property was \$22,000; estimates on the roof repair would need to be obtained. Gayle Conner objected to using taxpayer money to fix up the property stating that Jeremy Duff had told her that it would take well over a \$150,000 to fix the structures. Mayor Werling indicated that the City had hired KJG engineer Jeremy Duff to inspect the structures and he reported that the rear building's walls were in good shape and that the historic structure was basically sound and that he would like to reinspect it when better access was possible. Werling further stated that there were no plans for the City to restore the structure. The plans were to clear the debris from the rear structure and property as had been proposed in the abatement order and to repair the roof on the historic structure to prevent further damage from water infiltration. Estimates would be sought for that repair. The City could then solicit a buyer for the property. Kingery asked who might purchase the property. Werling stated a restaurant could be a good use with the availability of a liquor license since the property in the Riverfront Development District. Conner said she felt the property should be left on the list for the October tax sale so that it wouldn't be the responsibility of the City. Werling reminded Council that if the property were purchased at the tax sale, the owner would have up to a year to reclaim it by paying back taxes. In the meantime, repairs were not likely to proceed on the property and its condition would continue to deteriorate. Resolution 2022-15 was adopted. (4-1 – Ayes: Flora, Isley, Kingery, Nelson; Nays: Conner).

Proposed Resolution 2022-16 to authorize the sale of a one-acre parcel on Boone's Corner to the adjacent property owner was presented. The parcel was the site of a well that supplied water to Elmhurst (East Delphi) in the late 1800s to early 1900s via wooden mains. The sale would be subject to a notification in the paper of the proposed sale of property to an adjacent property owner and to acceptance of the offer by the landowner. Since the property was valued under \$15,000, only one appraisal was required and came in at a value of \$4,000. The proposed price of the one-acre parcel would be set at \$5,000 to cover costs including legal fees and appraisals. Justin Barbour confirmed that this was the proper handling of the sale of the property. Spencer Kingery moved to approve Resolution 2022-16. Second by Cody Nelson. Motion carried. (5-0)

Next was the presentation of the 2023 budget for discussion. No changes were recommended by Council to the budget. Spencer Kingery moved to approve the 2023 budget on first reading. Second by Cody Nelson. Motion carried. (5-0)

Ordinance 2022-17 2023 Salary Ordinance was presented. Spencer Kingery moved to approve. Second by Mike Isley. No changes were recommended. Motion carried. (5-0)

Ordinance 2022-18 2023 Wage Ordinance was presented. Spencer Kingery moved to approve. Second by Cody Nelson. No changes were recommended. Motion carried. (5-0)

By consensus the Council agreed to postpone consideration of Ordinance 2022-19 dealing with maintenance of retaining walls until the next Council meeting.

Board Comments.

Cody Nelson suggested that the City might want to begin looking into an ordinance that would hold property owners responsible should police calls to rental units become excessive and a disturbance to the neighborhood. He thought West Lafayette had such a nuisance ordinance. Justin Barbour will research the matter.

Clerk-Treasurer Aldrich.

Leanne Aldrich raised the issue of a complaint received at the City Building about the dumpster in the alley belonging to the Watsons. Many assume the City is responsible for the dumpster since it is up against the City Building. The complainant stated that as she was putting trash in the dumpster she was almost attacked by a raccoons. Penny Robinson was alerted to the complaint and stated that a new dumpster was in place; the old one had a hole in the bottom allowing the raccoons to get in. Leanne indicated she appreciated the removal of the old swing set from the apartment grounds. Mayor Werling commended the Watsons for several improvements made to the building with upgrades to some of the apartments including new appliances, replacing the entrance door, and so on. Gayle Conner added that the complainant was not a resident of the Watsons building, but someone just using the dumpster for their own trash.

Public Comments


None.

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