

COMMON COUNCIL
2d Floor City Building, 202 S. Union Street
June 5, 2023, 6:00 P.M.

Mayor Werling called the meeting to order at 6:00 p.m. Those in attendance rose for the pledge of allegiance. (Note: Due to technical difficulties, the video portion of the livestream on Facebook was not working for this meeting.)

Clerk-Treasurer Aldrich called the roll. Present were Sandra Flora, Spencer Kingery, and Dave Weckerly. Cody Nelson arrived at 6:20 p.m. Mike Isley attended via Zoom. (Note: without a video hookup, Mike Isley could not be visible when voting as required, therefore he was unable to vote on motions. There being a quorum present in the room, the meeting proceeded.)

Minutes from the May 1, 2023 meeting were presented. Spencer Kingery moved to approve the minutes as read. Second by Sandy Flora. Motion carried. (3-0)

REPORTS

Without objection the department reports were incorporated by reference to the minutes for this meeting. There were no other reports.

OTHER BUSINESS

Mayor Werling reported that the docket for the May 1st Board of Works meeting included a transfer from Wastewater to General in the amount of \$79,200 for Wetlands Mitigation for the Clarifier Project. This matter was questioned by a citizen. Leanne Aldrich, explained that the fee had to be paid to the State agency using ACH and the only checking account with ACH was the General account. General made a temporary loan to Wastewater which was then paid back. Financial advisor Dan Hedden indicated that this was a legal transaction since the loan was repaid within a year.

Mayor Werling stated that section §30.61 of the City's Code of Ordinances establishes a City Plan Commission. With the adoption by the Common Council of the Delphi Comprehensive Land Use Plan, the commission could now be activated along with a Board of Zoning Appeals. Spencer Kingery moved to approve activating the Delphi Plan Commission. Second by Dave Weckerly. Motion carried. (3-0)

Next is the appointment of Plan Commission members. The Council has three appointments to the seven-member board. Spencer Kingery and Sandy Flora were appointed with a third to be appointed later. The Mayor has four appointments. Christina Langsdorf has agreed to serve and Courtney Kingery has agreed to serve on either the Plan Commission or the BZA. The Mayor announced that the first meeting of the Delphi Plan Commission would be Monday June 19, at 5:45 p.m. After being sworn in, the Plan Commission will review a declaratory resolution passed by the Delphi Redevelopment Commission on May 31, establishing an allocation area for the Front Street apartment project. The Plan Commission will also appoint a non-plan commission member to the BZA.

UNFINISHED BUSINESS

Mayor Werling reported that the Indiana Packers Corporation and the Carroll County Redevelopment Commission have each approved their portion of funding for the Clarifier Project. Since IPC has elected to pay cash, there will not be a need to bond for the \$4,068,000 project. The next step is to approve the

Construction Agreement with Thieneman Construction, Inc. Sandy Flora moved to approve the contract. Second by Spencer Kingery. Motion carried. (3-0)

NEW BUSINESS

A request to rezone 10 plus acres of land from the tract (known as Burnbrae Farms) from U1 to Commercial. The parcel is located on US421 and is adjacent to the City's pump station and water tower. The Area Plan Commission gave a favorable recommendation to the rezone. Neal Herr from MGH Holdings was available to answer questions. Delphi resident John McFadden expressed concern and asked when the public would get to voice their opinions and wondered how the city could approve the rezoning without knowing what was going in there. Mayor Werling explained that that the public hearing for the rezone was held at the Area Plan Commission meeting. The APC had then presented their recommendation to the City Council for action. Spencer Kingery moved to approve the rezone request from U1 to Commercial. Second by Dave Weckerly. Motion carried. (3-0; Nelson abstained because he came in mid-discussion.)

The Interlocal Agreement between the City of Delphi and the County Commissioners regarding Od SR25 was presented for consideration. Mayor Werling provided background information stating that the City had approached INDOT regarding a bike+ped lane on the bridge over Deer Creek slated for replacement. The City also asked for a tunnel underneath to connect Delphi trails on both sides of Deer Creek. These project modifications would allow for future trail connections including one being planned to connect Prophetstown State Park to Delphi's Historic Trail system. INDOT agreed to include those changes at State expense in exchange for the transfer of Old SR25 to the County. The Commissioners agreed with INDOT to that transfer effective July 1 with the contingency that the County and City come to an agreement on the responsibility for the 2-mile section of Old SR25 from the intersection by the Dairy Queen to the intersection with SR25. In the Interlocal Agreement, the City would take responsibility for maintaining that section of road including snow plowing, keeping the bike+ped lane and tunnel clear of debris, maintaining the right of way, pavement surface, etc. The County would still have responsibility for the bridge. As part of the INDOT agreement, the pot of money allotted for future maintenance of Old SR25 will be given to the County...approximately \$80,000. The Interlocal agreement ensures that this lump sum will be proportionally divided with the City as will future MVH funds. Street Superintendent Lyons voiced concerns about the liability with the heavy truck volume. Following discussion, Cody Nelson moved to approve the Interlocal Agreement. Second by Dave Weckerly. Motion carried. (4-0)

Ordinance 2023-5 establishing a Department of Economic Development and an Economic Development Commission was presented for consideration. The three-member EDC will have bonding authority for projects approved by the City and the Delphi Redevelopment Commission. The timing of the establishment of the EDC is in anticipation of a TIF bond for the Front Street Apartments project. Sandy Flora moved to pass Ordinance 2023-5 on first reading. Second by Cody Nelson. Motion carried. (4-0) Cody Nelson moved to suspend the rules to pass Ordinance 2-23-5 on second and third readings on the night of introduction. Second by Sandy Flora. Motion carried. (4-0) Cody Nelson moved to pass Ordinance 2023-5 on second reading. Second by Dave Weckerly. Motion carried. (4-0) Spencer Kingery moved to pass Ordinance 2023-5 on third and final reading. Second by Cody Nelson. Motion carried. (4-0) Mayor Werling stated that letters would be sent by Clerk-Treasurer Aldrich to the appointing authorities: City Council; Mayor; County Council. Cody Nelson moved to authorize Spencer Kingery to make the EDC appointment on behalf of the City Council. Second by Dave Weckerly. Motion carried. (4-0)

JT Doane briefed the Common Council on Delphi Main Street's plans for the 4th of July fireworks to be held on Armory Road at dusk on Tuesday, July 4.

Tax Abatement renewals for the Canal Commons properties (affordable housing) were presented. Cody Nelson moved to approve the abatements as the properties were deemed to be in substantial compliance with the original terms of the abatements. Second by Spencer Kingery. Motion carried. (4-0)

Mayor Werling presented a Memorandum of Understanding (MOU) between the City of Delphi and Iron Men Properties providing assurance to Iron Men Properties as they expedite the design engineering phases for the Front Street Apartment project in advance of all financing being secured including a TIF bond and Redevelopment Tax Credits. The MOU provides that if the project has not gotten underway by September 9, 2023, the City will purchase the architectural and engineering product at a not-to-exceed amount of \$200,000. By owning the work product the City could either sell it back to Iron Men Properties at a later date or seek another developer to execute the plans. Spencer Kingery moved to approve the MOU. Second by Cody Nelson. Motion carried. (4-0)

MISCELLANEOUS BUSINESS

Mayor Werling addressed the IDEM test reports showing that Delphi along with several other small water utilities had higher concentrations of PFAs than would be allowed by proposed new standards. BR&S prepared an FAQ that was included in the recent 2022 Customer Confidence Report mailed annually by the water utility. The City has taken steps to have the wells retested; those tests were completed and the City is awaiting results. If the PFAs are still above acceptable levels, the City has agreed to participate in a pilot program with the Indiana Finance Authority to research possible methods to reduce the PFAs in finished water.

BOARD COMMENTS

Spencer Kingery thanked Brook McCain on his 31 years of service to the City of Delphi following the Chief's retirement effective June 2, 2023.

Cody Nelson stated he continues to look for parking alternatives for overnight parking of trucks.

CLERK-TREASURER COMMENTS

Leanne Aldrich reminded the Council members that the budgeting cycle would be getting underway in the coming months.

PUBLIC COMMENTS

There being no further public comment, Spencer Kingery moved to adjourn. Second by Cody Nelson. Motion carried. (5-0; Ayes: Flora, Isley, Kingery, Nelson, Weckerly). The meeting adjourned at 7:10 p.m.



Mayor Anita Werling



Clerk-Treasurer, Leanne Aldrich, Attest