

COMMON COUNCIL MEETING
NOVEMBER 3, 2008
TIME: 7:00 P.M.

Present: Mayor Gary Herbert, Helen Gardner, Darrell Poling, Herb Hunter, Jamie Cain and Bill Wenning.

Pledge of Allegiance was recited.

Roll call was taken with all present.

Minutes were approved.

Old Business: Ordinance 2008-05-8 Compact Fee.

Mayor Herbert read the added section #6 to the Ordinance and the added 55% on page three.

Bill Wenning questioned on the financial assessment of what and how Umbaugh came up with the 55% and didn't see where it says you pay the difference.

The City Attorney and the Mayor explained that you pay 55% of the City Tax if you do not live in the City and if you live in the City you pay 100% of the City Tax.

Street Superintendent Mark Klosterkemper explained the City residents pay City and County taxes and this would be 55% of the City tax not the County tax portion.

Bill Wenning apologized for not understanding this to be just of the City tax portion.

Motion by Jamie Cain and seconded by Helen Gardner for amendments of section #6 and adding the 55%. Ayes Darrell Poling, Helen Gardner, Jamie Cain, Herb Hunter and Bill Wenning. Nays none. So passed.

Motion by Helen Gardner and seconded by Jamie Cain to pass on 2nd reading Ordinance 2008-05-8 compact fees. Ayes Darrell Poling, Jamie Cain, Helen Gardner, Herb Hunter and Bill Wenning. Nays none. So passed.

Motion by Darrell Poling and seconded by Jamie Cain to suspend the rules and regulations. Ayes Helen Gardner, Jamie Cain, Darrell Poling, Herb Hunter and Bill Wenning. Nays none. So passed.

Motion by Helen Gardner and seconded by Jamie Cain to pass on 3rd reading Ordinance 2008-05-8. Ayes Jamie Cain, Helen Gardner, Darrell Poling, Herb Hunter and Bill Wenning. Nays none. So passed.

New Business: Lincoln Street project – parcels 26 and 59.

Matt Bailey City Attorney informed the Council of the Resolutions 6 and 7 the Tif Board had passed authorizing condemnation of parcels 26 and 59.

Discussion was held about Mr. Fry's parcel. He would like to have his own surveying done and contends he will lose around 14 parking spaces.

In the discussion it was stated that there is no compensation of the portion that belongs to the City that Mr. Fry has been using. His sign is one of the items that are on city property. There would be no sidewalk and the pavement would be put back as it is now with no curbing. He would lose 2 parking spaces on the north side and 1 on the south side. These lost spaces could be obtained at the back section.

The Mayor wants the Council to understand all the drawings, the surveying and how much is going to really affect Mr. Fry's property and why this area is needed.

Darren Burkhardt of HNTB explained the area is needed to accommodate the semis. HNTB has asked for an exception from INDOT to even construct the roadway the way they have designed the project so as not to impact every business. This contains less than 800 sq. ft.

HNTB hired a licensed appraiser to appraise all of the areas. Then their own appraiser reviews the appraisal and then INDOT reviews all of them their self as well.

Matt Bailey explained how the appraisals are looked at.

The appraisal was for \$19,500 and Mr. Fry's counter appraisal was for \$500,000 and the Mayor counter offered \$50,000.

If this goes to court, the court will have three appraisers and they will make their judgment off of the three and the court will make the decision of the amount.

Tif Board member Darrell Poling stated they have come so far without having to use eminent domain and they are down to a very few and they must keep the project moving forward.

Mayor Herbert stated that he does not like or want to have to use eminent domain if at all possible.

Motion by Jamie Cain and seconded by Helen Gardner to use eminent domain as Resolution 2008-6 passed by the Tif Board for parcel 59. Ayes Jamie Cain, Darrell Poling and Helen Gardner. Nays Bill Wenning and Herb Hunter. So passed.

For parcel 26 the Mayor stated the appraisal cost is \$210,000 with relocation cost included. Any environmental cost would be paid for by the insurance. The owner has asked for the City to find them a building with certain needed requests and move them into the building.

Darren Burkhart of HNTB explained when you have relocation, INDOT sends a letter of 90 days to vacate after purchase. If you use eminent domain you have up to 4-5 months.

Motion by Helen Gardner and seconded by Jamie Cain to use eminent domain as Resolution 2008-7 passed by the Tif Board on parcel 26. Ayes Darrell Poling, Jamie Cain and Helen Gardner. Nays Herb Hunter and Bill Wenning. So passed.

Mayor Herbert stated Achieva is requesting a small room for 1-2 days a week in City Hall. They work with the schools and would only be here when City Hall is open. They are not-for-profit. They would need the space for almost a year.

Council approved.

Motion by Darrell Poling and seconded by Helen Gardner to move insurance and Fema monies from the general and put in the proper budget appropriations. Ayes Jamie Cain, Darrell Poling, Helen Gardner, Herb Hunter and Bill Wenning. Nays none. So passed.

Meeting adjourned at 8:10 P.M.

PRESIDING OFFICER:

ATTEST:

Clerk-Treasurer