

**TOWN OF
DARMSTADT, INDIANA**

SETTLED 1822

INCORPORATED 1973

**Minutes of
March 8th 2022**

These minutes are not intended to be a verbatim transcript.

TOWN COUNCIL

Paul Freeman, President
Aaron Kendall, Council Member
Ken Godeke, Council Member
Ray Engler, Council Member

CLERK-TREASURER

Mallory Lowe
P. O. Box 20
Darmstadt, In 47618

Board president, Paul Freeman, called the town meeting to order at 7:30pm. In attendance were President Paul Freeman, Clerk-Treasurer Mallory Lowe, Council members Aaron Kendall, Ken Godeke and Ray Engler. Also present was Attorney Jason Spindler, Maintenance Tech Mick Moreland and Interim Superintendent Aaron Enlow.

Kendall made a motion, seconded by Godeke to accept the minutes from last month. Motion passed 4-0 voice vote. Kendall made a motion, seconded by Godeke to accept last month's financial report. Motion passed 4-0 voice vote. Godeke made a motion, seconded by Kendall to accept the accounts payable claims. Motion passed 4-0 voice vote.

CLERK-TREASURER'S REPORT:

In the Town Clerk's office, Mallory Lowe stated I had a meeting with Mark Crandley at Barnes and Thornburg yesterday to go over the ARPA Covid Relief Federal Grant requirements and what it can be used for it's on our agenda tonight. I tried to contact Debbie Bennett but she is retired now and I spoke with Andy Zellers at the Economic Dev Commission and they recommended I call Mark Crandley to handle ARPA so I did.

We have an AIM roundtable next month in Poseyville about the new ARPA Final Rule from the Feds that goes into effect in April. I would like to invite Cecil and Harold to attend this meeting since they are working on the committee that may be able to use this money on our sewer system along with any other resident who would like to attend. If that is ok with the council. I already cleared it with Lesley at AIM and she said residents can attend the roundtables.

I brought in and posted about \$26,000 last month to the town funds and paid out about \$21,000 so we are doing good in the town funds and came out about \$5k ahead last month.

As the Authorized Representative of the Redevelopment Authority for the Old State property, I signed the insurance certificate documents for BOK Financial that Mark Hudson sent over. The documents are to prove we are in good standing and that as the leasee, we're keeping proper insurance coverage on the property. I sent the signed documents back to Mark Hudson at BOK Financial on Sunday Feb 13th.

We had a meeting last Friday with the unemployment Judge on Jeff's filing an unemployment Insurance Appeal against the Town since his first try at unemployment was denied. The meeting Friday went on for 3 hours. Jason Spindler and I represented the town and then Jeff Goerges and Paul Freeman were on the claimant's side. The judge said he will let us know his determination in a few days.

In the Utility Department: Last month I brought in and posted about \$49,000 in and paid out about \$39,000 in bills, so we're are doing good came out ahead \$10k last month.

We've had 3 homes change owners since January. I've updated accounts and sent out final bills.

In General Town Items: On May 3rd I got a call from the Vanderburgh Election Office that they are having problems with the 4H center not honoring or confirming, the reservation they made, last year, to hold the May 3rd Primaries there. Obviously, this is an important situation. I work with Marc Toone at the Election Office quite a bit so he called me since the 4H Center is in Darmstadt. I got some 4H Board Member phone numbers from Eric Gries and thankfully we got it worked out and the primaries will be able to be held this year at the 4H center on May 3rd.

Old Business

1. Possible Outsourcing of Town Maintenance Jobs

Freeman stated he wanted to combine this topic with #4 on the agenda for the committee to speak. Cecil Poag responded that the committee really didn't have much to report this time. Cecil Poag stated that they were looking at

a system that really wasn't going to give us what we wanted, so they are going to continue to look for a system that will do what they actually want it to do which would be to measure outflow for each residence.

Aaron Kendall stated that Aaron Enlow has informed Kendall and the committee about improvements that could be made to our town sewer manholes. Kendall advised that Aaron Enlow and Mick Moreland have been inspecting the manholes in town and looking at how we could reduce our inflow and infiltration from these manholes. Kendall asked Aaron Enlow to speak about it. Enlow replied that yes we have 13 manholes that are in our sewer system, he explained the uses, why they were installed and if we need them anymore. Enlow stated that these manholes are an access point for I&I and they really need to be dug up and filled in, get rid of them, we could leave a cleanout there if needed but it would be a good way to reduce our town's sewer system I&I and save money.

Kendall also had a recommendation to work on the I&I from resident's homes, to split up the homes that still need inspected, among the council members. Each council member to handle their district and contact those residents to get their inspections completed. Enlow agreed and would like to make these improvements to our system.

Angie Moers asked if the fines could be collected through sewer liens. Freeman replied yes, the fines can be added to their sewer bill if remain unpaid will have a lien placed that will be added to their property tax bill by the county.

Kendall added that we need to review our rates from EWSU and added that Lowe just emailed council out the data again that Darmstadt is paying more than industrial users and is being charged for EWSU's mandate fee which was over \$6,000 alone just this month. Lowe stated that we should be able to fight that. Freeman agreed that our previous lawsuit with EWSU ended up just being a wash, we did not come out ahead at all.

Kendall made a motion, seconded by Godeke that each council member to contact residents in their district that are still not in compliance with a correspondence from Spindler Law Office stating a notice that they have 60 days to contact Darmstadt Maintenance and make arrangements for our maintenance personnel to perform a sump pump inspection or they will be fined \$100 per month until completed. Motion passed by 4-0 voice vote.

Spindler noted passage of a rule passing a fine that imposes a \$100 fine per month for non-compliance to sewer inspection. Godeke made a motion, seconded by Kendall. Motion passed by 4-0 voice vote.

Spindler noted that we need a motion to suspend the rules and pass this at the same meeting. Kendall made a motion, seconded by Godeke. Motion passed by 4-0 voice vote.

Kendall noted that council members need to document the resident's home they visited.

2. Performance Evaluation/Maintenance Bonus for 2021

Freeman tabled with litigation

3. Employee Handbook Compliance- New Focus HR- Patrick McKenna

Freeman stated he forwarded more questions to McKenna, so that's tabled again.

4. Resident's Committee on Sewer Outflow Meter testing

5. National Flood Insurance Program

Freeman stated he thought that was passed. Lowe replied it was passed pending Spindler's review of all the documentation. The documentation has been reviewed and accepted by Spindler so it needs to be signed by council. Council signed.

6. Redistricting Ordinance since 2020 Census

Freeman stated he thought this was done also. Lowe replied no this was tabled for Jason Spindler to investigate. Spindler passed out an ordinance that states that since the town is voting on each district as a whole he says that will cover us not having to complete the redistricting paperwork.

7. Title VI and ADA Compliance

Freeman explained handicap parking requirements to meet ADA compliance. Freeman went on to speak about grades, slopes and drainage with added feedback from Mr. Wathen about slot drainage. Freeman announced that he is meeting with Jim from Morley and Associates next month to discuss.

New Business

1. ARPA Grant

Lowe stated that Mark Crandley with Barnes and Thornburg stated he and his firm can handle all of the ARPA requirements for the town including the report that is due to the Federal Government next month. Kendall asked what the fee was, Godeke replied \$1500 a month. Lowe stated yes that is correct and the money comes directly out of the grant funds, not the town funds. Kendall agreed that Barnes and Thornburg is the best and Freeman agreed they were great in the EWSU lawsuit. Spindler added that Debbie Bennett-Stearsman does the work on the side now even though she's not with Economic Development anymore.

No motions were made by council to attain an agency to complete our ARPA requirements. Freeman tabled the issue until next month.

2. Sub-Lease of Old State Road Property

Spindler stated that he has a generic lease draft for the property. Freeman replied yes this is just a boilerplate lease. Spindler stated he assumes it's to a farmer that council would sub-lease the property. Engler asked if the lease covers the house. Spindler said he did not carve out anything for the house.

Lowe asked Freeman if he is going to charge again so that we will not be tax-exempt again and be put back in that same problem where we are charged property taxes that Aaron Kendall and I will have to fight to correct?

Spindler asked exactly what did they do, Lowe replied the county charged us property taxes, this land is supposed to be tax-exempt. Spindler asked if they reversed them. Lowe and Kendall replied yes, they got them reversed.

Kendall stated that perhaps we could trade out services. Freeman said the farmer has been in cease and desist for 2 months. Kendall made a motion to have Spindler rewrite a contract to barter services, contact potential tenant to get an idea from him what he could propose as land improvements that way the land will stay tax-exempt. Motion was seconded by Godeke, motion passed 4-0.

Maintenance Dept Report

Aaron Enlow advised that they had 29 service calls, had a tree down that brought a power line down as well on St Joseph Ave. There were several storms last month, they cleared the road of debris, have been cleaning and servicing the trucks and equipment. Enlow asked Spindler where we are with the Martin road shoulder rip rap situation. Spindler noted he has been in contact with opposing counsel and will following up with Enlow on that.

Fire Dept Report

Lowe brought the fire report from Brandon Zimmer who couldn't be present, Freeman read it aloud.

Sheriff Report

Noah Robinson advised he was here as a private citizen. He reviewed the report from the Sheriff's office for occurrences within Darmstadt.

Board member comments

Engler asked Spindler if there was an update with the TV Parts Now lawsuit on their damage to our town roads. Spindler replied the dates are being set. Spindler noted TV Parts Now filed to fight it on their own without counsel.

Engler stated that he has had some residents comment that they could not hear very well at the meetings and if we could look into some kind of microphones so that the residents could hear. Engler asked if the maintenance dept could look into getting some quotes, council agreed that was a good idea.

Kendall announced that this is his last meeting. Kendall noted he would still contact residents in his quadrant for inspections.

Freeman noted that council will interview possible candidates for to fill the empty council seat for district 3.

Eric Gries announced that the annual Darmstadt Clean Up Day will be Saturday, April 2nd starting at 8am meeting in front of Gardo's pizza. Gries noted that everyone is welcome to participate. Lowe added that Eric Gries has been paying for that trash disposal each year or the town. Freeman agreed that the town should be paying for the trash disposal. Council agreed.

Engler mentioned people could bring gloves. Carol Schlumpf asked if there was going to be a prize for the team that gets the largest piece of trash pulled out of the ditches. Gries stated they had the smelliest last year since he found the skunk and his team carried it. A resident said wasn't there a tv? Freeman stated yes we had the biggest last year because we had that big tv that about threw my back out.

Attorney comments

No further comments

Resident comments

No public comments allowed

The meeting adjourned 8:36pm

Attest:

Mallory Lowe

Clerk-Treasurer


