

**TOWN OF
DARMSTADT, INDIANA**

SETTLED 1822

INCORPORATED 1973

**Minutes of
January 11th 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.

Paul Freeman advised that he will still continue the resident's comments at the end of the meeting. Freeman continued to state that each resident's comments will be limited to 2 minutes.

Nominations were open for 2022 Town Council President. Godeke nominated Paul Freeman and Ray Engler stated he would also be interested. Jason Spindler state there were 2 nominations on the floor. Spindler took votes from council members for Freeman 3-1 voice vote. Spindler took votes from council for Engler, it was 1-3 voice vote. Out of the four council members, Freeman is president again for 4th year in a row.

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. Kendall made a motion, seconded by Godeke 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'm working on closing the year out and our 2021 Annual Report to State. I'll also complete the employee W2's and year end software rollover in all three of our computer programs. I brought in and posted a little over 1.7 million dollars last year for our town and sewer funds. About a million of that went to the Town Funds and a little over 700k went to the Sewer Dept.

We're doing good. Our funds are strong and sewer dept is doing well. It's much better now than 15 years ago when I started, the sewer dept was in the red at that time.

We haven't heard from the Judge yet at the Dept of Workforce Development about Jeff's filing an unemployment Insurance Appeal.

In the Utility Department: We had \$2001 in sewer lien payments come in our December tax settlement last month, from the liens I filed with the county in January 2021. Last week I filed 19 more new sewer liens. Those liens total \$16,741. I had them recorded at the recorder's office and submitted them to Lauri at the auditor's office to be added to their 2022 property taxes. We will receive those payments in our June and December property tax settlements. We received the water meter reports from Evansville and German Township Water Company, I calculated and mailed out 538 sewer bills last month and brought in \$59,992 in revenue for the sewer dept in December. And a total revenue of \$723,780 for last year. \$312,048 of that went to Evansville Sewer.

Aaron may also have this in his report, about the resident Brandon Reed on St Joe that used over a quarter million gallons in one month. Aaron investigated, inspected his basement and determined the water did not enter our sewer system; it went into the creek next to his house.

In General Town Items: I'll work on completing our tax forms with the IRS before the end of the month. I paid all the bills I could on our 2021 budget. I also made our every 6 months, \$75,000 payment to Bok Financial for our Old State Road property. I was worried about that one since the county was late getting our December settlement money to us and the payment was due just a few days after. But all went through fine, I kept in touch with Mark Hudson and he received it on time.

Old Business

1. ADA Compliance Update

Paul Freeman noted that he has had to write and submit a compliance letter for ADA. He will have everything ready to send to council for review and have it done by deadline in February.

2. Possible outsourcing of Darmstadt's Town Maintenance Jobs

Harold Grossman, 1701 Fleener Road, noted that the committee was unable to meet because of some health issues. Harold said he and Tom were finally able to get ahold of a vendor. Grossman noted that he installed one of the meters on his own property and can read the results on his phone.

Godeke stated that they are still working on the RFP and there are some steps that still need to be completed on that. He explained that they will come up with a submission date, have it posted in the paper, go through the bids, interview the bidders and have their recommendations to council.

Kendall asked where we are with the publication, Spindler replied that it's ready to go but Godeke caused Spindler concern when he acted like it was in limbo. Spindler asked if a contractor reaches out the day after it's published that they will have everything they need, correct? Godeke stated he thinks they agreed on that, did we not? Kendall replied they already approved the RFP months ago. Kendall stated that Spindler was going to add his legal jargon.

Angie Moers asked if she could see the RFP before it's submitted to the newspaper, Jason Spindler replied that it will be available for review when it's published in the newspaper and he has Angie Moers in his distribution list.

Spindler stated that most contractors will be accessing it through an online portal and changes can be made.

Godeke stated that he and some residents are looking into putting in portable transmitters on lift stations (sewer pumps). Godeke explained options they had discussed to measure output at a few homes in town.

Kendall stated we need to put a dollar amount on this testing.

Kendall made a motion not to exceed \$12,000 on the water monitor test by residents, Godeke seconded the motion.

Motion passed with a 3-1 voice vote. Engler voted nay.

New Business

1. Employee Handbook

Lowe noted that this was tabled from last month since council hasn't read it yet. Freeman asked Godeke if he has read our town's new Employee Handbook from our HR Firm. Godeke replied no again, that he still hasn't read it. Godeke stated he will try to get to it before the next meeting. Freeman tabled it again.

2. Spectrum Broadband

Freeman stated that he has spoke with Spectrum to try and get high speed broadband to the residents on private lanes and long driveways. Freeman said there needs to be enough people per road for Spectrum to get a grant. Freeman asked Lowe if she could post the name and phone number from Spectrum for any residents on private roads to call for service.

3. Performance Evaluation/Maintenance Bonus for 2021

Freeman noted that Aaron Enlow completed Mick Moreland's performance appraisal. Freeman advised that he and Mallory Lowe completed Aaron Enlow's performance evaluation yesterday. Freeman stated that the town does performance evaluations and bonuses annually. Freeman advised that his position is that we should not do bonuses at all, period. Freeman stated that he went back and looked at AIMS 2021 Salary Survey done by the State for Towns of our size. Freeman stated that we are the highest paid, among all the absolute highest paid of all towns our size.

Freeman noted that our employees are considerably higher compensated than the towns of the same size. Freeman stated with that being said I cannot justify throwing bonuses to people who are already at the top end of their salary. Freeman said when we had an actual town superintendent, he was grossly overpaid by state records. The town superintendent average salary is exactly where Aaron Enlow is receiving compensation now. Freeman reminded everyone this is state document that is available for anyone to review. Freeman stated that looking at this survey, an apprentice wage is \$17.50 an hour and we are paying \$22 and change.

Angie Moers asked Freeman, what about your salary? Freeman responded that he hasn't changed a thing. Angie Moers asked what percentage are you? At the top? Freeman responded no; we are in the median.

Kendall stated he understands where Paul is coming from but he disagrees with Paul Freeman.

Kendall stated he thinks the maintenance guys have done a great job considering the circumstances and with inflation at record highs he thinks they are deserving of something.

Kendall stated he is not prepared to put forth a number at this time but he would like to table it until next meeting. Godeke stated that he agrees with Kendall and thinks we should look into some kind of bonus system for the guys.

Engler stated on the performance evaluation, were council members told the evaluation was being done? Freeman replied yes, Mallory sent an email. Mallory replied no, there was an email sent in October to all council reminding them the evaluations still had not been completed and that the end of the year is the deadline for any bonuses.

Engler advised that the Handbook states that the Clerk and Council has to be present and we must post 48 hours' notice of an executive session. Engler stated he wasn't notified and wanted to know if the rest of council was notified.

Freeman replied that Lowe sent him another email on the 21st and that Freeman stated he was available that Friday, Lowe reminded him that Friday was Christmas Eve and a holiday for Darmstadt employees. Freeman stated that he was out of town the next week. Freeman stated he called Aaron Enlow in January and set a date for the 2021 evaluation for January 10th 2022.

Freeman stated that he was not aware, he admits full blame, that it was to be the entire board present for evaluations as it had not been in the 12 years he has been on the board. Correct Mallory?

Mallory Lowe replied I don't know what you thought you knew. It's always been that way, it's in the handbook, it states a quorum. Freeman asked Mallory if performance reviews happened in executive sessions with the entire board. Lowe stated yes.

Freeman stated in the 12 years that he's been on? Lowe stated that's when it all started going downhill bad. Lowe added that Freeman had been copying the bad examples by some others instead of reading and following our town regulations and Employee Handbook.

Freeman stated that he asked Aaron Enlow and Mallory Lowe if were to hold off the meeting until it could be done properly. Lowe stated she said it was up to Aaron since it was his performance evaluation and that Kristen from our HR Firm said it was already too late, its supposed to be completed in the same budget year. Aaron Enlow stated that he knew it was in a time delay and already late so he didn't want to hold it up any longer.

Engler stated that has to be a quorum and we have to have public notice. Engler stated he didn't even know about it until the day before and it's done now, there's nothing we can do about it and it's done too late so we can't adjust the payroll budget for it.

Kendall stated he believes it's in the boards power to give bonuses anytime.

Freeman stated that actually the evaluations have to be completed before May this year. Lowe stated the HR Firm changed it to May as not to wait until end of year at the same time as the payroll ordinance.

Kendall advised he would like to table this discussion until next month so he can see what has been done in the past and what is appropriate. Kendall stated that is his motion.

Godeke stated that as far as it went this year, it appeared to him that it was exactly the same as it has been in the years past since he's been on the board. Godeke said he was thinking this was the 3rd employee review since he came on in 2019.

Lowe stated that this was the first employee review completed since 2019.

Godeke stated that everyone kind of knows how he feels about the payroll structure that we have here. Evaluation discussion was tabled until next month.

Superintendent Report

Aaron Enlow advised that they have had 14 locates and 13 service calls. Aaron stated they have now completed 304 sump pump inspections and have 231 left. Engler asked Freeman if he got the info about the riprap for Martin Road. Freeman said he hasn't done it. Engler asked if it was ok for Aaron Enlow to go ahead and get it taken care of. Freeman said sure.

Fire Dept Report

Brandon Zimmer stated they did 12 runs out of the Darmstadt station, one electrical panel short out and one water heater smoking. 1,633 runs total for 2021 of those 114 runs were Darmstadt. Darmstadt's runs increased 107% more than year before. Total response time was 6 minutes 18 seconds.

Sheriff Report

Noah Robinson advised he was here as a private citizen. He reviewed the report for occurrences within Darmstadt.

Board member comments

Godeke made a motion to knock down the house the town owns on Old State Road, Kendall seconded the motion. Lowe reminded council that this property is under the authority of the Redevelopment Authority and if we were allowed to make changes to the property since the RDA has authority over that property. Spindler advised he would review this and get back to us.

Engler asked if there was anything we could do to prevent TV Parts Now from continuing to use the street and cause damage.

Engler asked who was involved in deciding to put a 2-minute time limit on residents. Freeman stated he had a conversation with Jason Spindler about it. Engler noted that he was concerned with the liability this new rule may put on the town and freedom of speech.

Kendall stated that Engler was supposed to have a bombshell announcement about the corruption on the board. Engler replied he expects that next week.

Attorney comments

No further comments

Resident comments

Bud Wimpelberg 1600 Fleener Court, he said Kendall stated he was resigning in December and why is he still here.

Freeman asked if Kendall wanted to reply. Kendall stated that Freeman asked him to stay on the board while he's on the RFP committee until that goes through.

Wimpelberg stated that he has no idea why we bought the Old State Road land.

Angie Moers 1918 Fleener Road. Last meeting Paul you said this was your last time so why did you take the president position again tonight? Freeman stated because he knows Godeke and Kendall don't want to and that he does not want Engler to be president.

Moers stated that Freeman said there is no lease on the Old State Road property. Freeman agreed, there is no lease on the property. Moers stated that Freeman said there were no crops planted there but it is planted.

Michael Moers 1918 Fleener Road, asked what happens if the farmer breaks a leg or is injured out there without any lease on that property.

Michael Moers asked Kendall the approximate value of that land. Kendall replied about \$20k per acre. Moers asked would it be worth more if the house is torn down?

Carol Schlumpf stated that at the last meeting Freeman stated how residents should conduct themselves at the meeting, but doesn't that also go for the council?

Schlumpf said that she has heard many times before that Freeman stated that he wanted to step down many times.

Schlumpf stated that she wanted to commend the maintenance guys for their quick response and wants to keep our local maintenance guys.

Jim Dix asked if the superintendent got a bonus last year. Freeman replied yes. Dix asked about years before if the superintendent got bonuses every year, Freeman replied yes. Dix stated the guys should get the bonuses. Dix said Freeman just wants to keep Kendall here to vote on contracting out the maintenance.

Harold Grossman 1701 Fleener Road, stated that the HR handbook rules and conduct should also apply to the board and that it should be in an ordinance and binding.

Kate Potter, owner of American Honey announced that her new business, Dwell Coffee will open tomorrow.

Eric Gries BNH Road, he disagrees with the 2-minute limit and thinks that some of the council is taking away their right to speak. Gries stated the council works for the residents and is supposed to listen and represent us. If the council would listen to us, the residents won't complain so much. Gries stated that you all work for us.

Jay Sollman 1117 Wortman Road, asked Jason Spindler what the basis was for the 2-minute limit. Jason replied that it's a conventional number that is used elsewhere. Sollman asked if time could be added by a board vote. Spindler replied yes it can.

Bonnie Small, 2528 Sensmeier Road, read a letter out loud, thanking Mallory Lowe for bringing order to our meetings and for all the training Mallory Lowe attends to be able to run our town properly.

Small advised that there was a private facebook page made last year and there was a post from Ray Engler stating he would accept nomination for board president.

The meeting adjourned 9:08pm

Attest:
Mallory Lowe
Clerk-Treasurer

