

**TOWN OF  
DARMSTADT, INDIANA**

SETTLED 1822

INCORPORATED 1973

**Minutes of  
December 14th 2021**

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 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. Kendall made a motion, seconded by Godeke to accept the accounts payable claims. Motion passed 4-0 voice vote.

Paul Freeman stated that he has decided to only take residents comments at the end of the meeting and will be limiting resident's comments to only 2 minutes. Freeman also stated that if any out of line comments are made by anyone at the meeting, that person will be removed and banned from town meetings for one year. If anyone verbally attacks a town resident, that person will be removed and banned from town meetings for 6 months.

**CLERK-TREASURER'S REPORT:**

Mallory Lowe: I completed our Annual State Conference training in Evansville last month with the State Board of Accounts. Spoke with several agencies and other towns in the state.

Dan Hedden from Baker Tilly went over the ARPA Federal Grant fund requirements, all the documentation needed and the importance of council having all ordinances, their plans and implementation in place and documented by the deadline in April. Baker Tilly said they are available to hire for our entire ARPA process and can write the plans, reports and submissions to the Federal government that will be required during the next 2 years. We need to have them do that.

So far this year I've received and posted \$1,637,955.01 in town and sewer revenue for Darmstadt. That is a little over \$600k more than this time last year. We are doing good in town and sewer funds right now.

We received another notice from Indiana Dept of Workforce Development that Jeff has now filed an unemployment Insurance Appeal. The Administrative Law Judge will send a Notice of Hearing to let us know date and time of hearing. I forwarded this info to Patrick our HR Agent and he stated that I have to participate in the hearing as the representative of Darmstadt but I can have Jason present.

Larry Tippin our CPA from State Board of Accounts continues to work on our internal control's requirements, Capital Assets and other state requirements. We have completed our Capital Asset reports with the help of Aaron Enlow and I'll be submitting it to State on our Annual report next month. I've also had Tippin do the council's work of internal controls, he's completed a year's worth and I'll continue to send him our bank recs and statements for him to review and sign off on to meet state's internal control requirements to get caught up where previous council left off.

We had a zoom meeting with Patrick, our agent from our HR Company HR Solutions. Aaron Enlow, Paul Freeman, Patrick and I all attended. We went over the new corrected, updated employee handbook page for page and every section. We need to get our handbook and payroll policies in compliance with laws and State Board of Accounts requirements for Municipalities. Patrick explained each section and what could not be changed, by law. We need everything including our Payroll Ordinance, Employee Handbook to be in compliance and consistent across the board so that the council and employees will start following the law and guidelines for municipalities.

**In the Utility Department:** I received water meter reports from Evansville and German Township Water Company, calculated and mailed out 538 sewer bills last month. I brought in and posted \$63,848.79 in revenue for the sewer department last month and \$711,466.14 so far this year. Aaron had 16 more sump pump inspections completed that I applied the \$20 credit to last month on those resident's accounts. That was \$320 in inspection credits for November. We didn't have any portable meter deductions for this last billing period.

I've mailed out 28 overdue notices last week and I'll start putting liens on people's properties in January.

We have one resident on St Joe that has used over 296,000 gallons, his sewer bill I'll be sending out at the end of this month will be over \$7,500. I let Aaron, Jason and council know. This is a resident we've had problems with in the past. German Twp Water has called and left messages about this huge water usage but he has not returned their calls. He left me a message Saturday night that it's a huge leak in his basement that has been running for weeks because he can't afford a plumber to come fix it. I asked Aaron Enlow to give him a call I believe he'll have an update for us about that on his report.

We also received our bills from Evansville for Evansville's 2 sewer mag meters. Our average monthly output is 2.5 million gallons. Our output was down below normal last month at only 2,092,900 gallons. That's about 400,000 gallons lower outflow than normal. The total for our 2 December bills to pay to Evansville Sewer is \$23,913.71. Next month's bills will be higher based on higher water usage with the holidays, people visiting and people home from work more. So many residents water usage increases during December giving them a larger water and sewer bill in January. Inflow increases, therefore outflow increases. I receive over 450 water meter readings each month from Evansville Water company and German Twp Water company that I upload into our billing system for calculations.

**In General Town Items:** Today at 4pm was AIM's monthly webinar for Town Council Members, this one was on the inspection process. I notified council of this by email on Nov 24<sup>th</sup>. It was over the benefits of engaging in construction inspection services highlighting obstacles and pitfalls that could be experienced on improvement projects and how inspections can help minimize or mitigate these complications altogether. It was presented by the City of Evansville Engineer Brent Schmitt and the Evansville Water and Sewer Utility Project Manager Ryan Mayer. I was the only one from Darmstadt in attendance. The Next Council webinar is scheduled for January, I emailed out the notice.

This month begins the closing of the year processes and accounting reports I'm working on. I'll be updating software with our new 2022 budget numbers that were all approved by State. I'll begin Darmstadt's annual State report preparation and closing out 2021 in all our programs and funds. I have several deadlines coming up in the next few weeks. We also have new coding that I need to enter from the State Board of accounts which is a separate fund number coding than what is required by the Department of Local Government Finance, these are on all of our fund data. It's been a huge topic of conversation and stress among the cities and towns in the State for several months. Then I will work on completing our tax forms and W2s in a couple weeks with the IRS. I'll also be working on getting any bills paid on our 2021 budget as possible before I begin on our 2022 budget.

## **Old Business**

### **1. ADA Compliance Update**

Paul Freeman noted that he agreed to be the ADA coordinator for Darmstadt. Lowe noted that we lost our accreditation compliance last year. Lowe gave Freeman the contact info for ADA and Freeman stated that he has contacted Will Gay the ADA State coordinator for our requirements and will take care of it.

### **2. ARPA Federal Grant – Possible Uses**

Lowe advised council that she has researched available broadband and noted that the residents that responded with no available broadband access were only a very small handful on private drives or with homes that sat a longer distance from the public roadway. Baker Tilly can review our options if we still want to pursue Broadband for the ARPA.

### **3. Possible outsourcing of Darmstadt's Town Maintenance Jobs**

Freeman noted that he has made a committee for possible outsourcing. The committee of 2 council members and 3 residents meet privately, off town record.

Harold Grossman stated that they have had a few meetings concerning the sewer system. Grossman concluded that the water infiltration from rain events has significantly been reduced lately.

Grossman read the committee's report out loud:

We have had two meetings since Nov. Town board meeting. First meeting was attended by Ken, Tom Small, Cecil, and Harold. Second meeting was attended by Ken, Aaron, Tom Small, Cecil, and Harold.

Most of the first two meetings discussed the sewer system and its high costs. The focus of the initial discussion was infiltration of illegal connections and the homes not yet inspected. Viable solutions and actions were discussed. Action items were assigned to each member.

The following action items/homework were assigned at the first meeting.

- Ken – get copy of sewer ordinance from Mallory- done
- Tom – Look for possible flow measurement devices - done
- Cecil/Harold – Look for possible flow measurement devices, meet with Maintenance Dept and hear their perspective, and with Mallory. - Done

At the second meeting, the findings were discussed. Key points found/discovered on investigation were:

- Water infiltration during rain events has dramatically reduced over the last year.
- EWSU has raised our rates multiple times. \$7000/month 14 years ago, \$27,000/month currently (2.5M gallon of outflow)
- The plumber we hired to do inspections is no longer conducting them and not interested in doing them again.
- The plumber did not always verify crawl spaces/homes for illegal sump pumps.
- We have 259 that have had inspections completed and 278 homes on the list to be inspected.
- We had nine out of compliance homes and four have been corrected at this point in time. The remaining five out of compliance have been in that condition for over a year with no penalties.
- The board has not imposed any fines to enforce compliance with sewer ordinance.
- Lack of enforcement does not drive compliance.
- There are sixty-five homes that use well water that are our sewer customers. Well users must pay a Flat Rate each month per Town Ordinance whether they use any water or not. Well User rates are \$128.10 plus the electric flat fee of \$14.74 where applicable (\$142.84 a month). They are being charged for 5,000 gallons every month. Homes with 2 or less occupants must pay \$76.86 plus \$14.74 electric where applicable (\$91.60 per month) whether any water is used or not. They are being charged for 3,000 gallons every month even if it's just one person.
- We reviewed sewer flow meter possibilities
  - It was discussed that we purchase ten flow meters to measure sewer outflows. We would put on several on homes that have EVV/German Water (volunteers) as a control (Can measure/compare water intake to sewer output). We will put on a home with its own lift station and on a multiple homes sewer lift station – more than one house on a lift station). We would place several on homes that are using well water and discharging into the sewer to determine actual flows and if they are being billed correctly.
  - This would be monitored with cellular data going to a cloud that can be accessed any time.
  - System would need to be easy to install and maintain.
- If successful, consideration would be given to installing on all sixty-five homes permanently and we could rotate other meters around as spot checks.
- We need to develop a process for inspecting the remaining homes not inspected in a timely manner.
  - 123 homes with contact no info of any kind (phone, email)
  - 140 with phone only
  - Do we send a certified letter to home?? Who does this??

- *There is no clear process/procedure for the proper steps for maint. staff/board to follow in regards to non-compliance issues (warning letter with compliance dates – who sends? final warning – who sends and how do we communicate final warning, imposition of fines by board, failure to pay fines – lien filed by Mallory.*
- *Harold purchased a wireless meter (using his own funds) to track his water usage (cross check of EVV water) – received yesterday – not yet installed.*
- *We do not have a process to cross check ESWU flow meters.*
  - *Need verify their calibration and PM process*
  - *Need to consider installing our own meters as a cross check.*
- *At the end of the meeting, we discussed starting to develop the process for reviewing the RFPs at our next meeting in early January.*

#### **4. Preventative Maintenance – Sump Pumps**

Cecil Poag advised that there is no clear process in place on what to do for the homeowners that are in violation. Kendall agreed we should not be laying this all on the maintenance department, we need to sit down and go over what our process needs to include and we need to talk to Jason about how to file and process the violations. Godeke asked if Mick and Aaron would be available to some of the inspections.

#### **New Business**

##### **1. New Employee Handbook**

Lowe advised that her, Paul Freeman, Aaron Enlow and our HR Expert Patrick have completed a zoom meeting to review each page and section of our new Employee Handbook. The new handbook has been completed by our HR firm and released to everyone. Everyone council and employees have received a copy for review weeks ago. Lowe stated it is now ready for implementation. Godeke stated he had not yet read it. Freeman tabled to wait.

##### **2. Payroll Ordinance for 2022**

Freeman stated he proposed to give the clerk and maintenance positions a cost-of-living rate adjustment. There was some discussion on what the cost-of-living adjustment was for 2022. Freeman stated to make cost of living adjustments across the board and to keep employment positions where they are then once the board has its recommendations then we may need to make adjustments to the town employees. Freeman stated we needed to determine what the cost-of-living adjustment is. Cecil Poag advised the official cost of living is 5.9%. Freeman acknowledged it was 5.9%. Kendall made a motion to give a 5% adjustment to maintenance and clerk-treasurer positions. Godeke asked if increase included us, the council, Freeman replied it did not. Godeke seconded the motion. Motion passed by 4-0 voice vote.

Payroll discussion was brought up again at end of meeting among residents, attorney and council.

Cecil Poag advised that the official 2022 cost-of-living adjustment is 5.9% increase so the adjustment of 5% doesn't make sense, that doesn't even cover the cost-of-living increase. Jim Dix stated he agreed with Poag, that the government is giving 5.9% and why wouldn't the council not give at least that much and bring your maintenance crew up to par like they should be.

Jason Spindler stated that Mallory is an Elected Official and as an Elected Official she is locked in. Her payroll can't be changed after the first of the year like it can with the employees. Spindler advised that this is the last time this body plans to meet this year and as of now she is getting a 5% raise. Dix replied that isn't even the cost of living.

Spindler added that if it's decided at the next meeting to give her more it will be too late. Dix stated but it isn't too late now, right?

Spindler stated if you want to take action, it has to be done now at this meeting. Aaron Kendall stated he would like to raise Mallory's increase from 5% to 5.9%. Carol stated can't you add in merit? Eric Gries stated Freeman had just told us how she is doing more work. Gries said he thought you had stated a cost of living across the board and then add in a merit increase.

Cecil Poag stated we are talking about these people's livelihood. Cecil Poag stated that the official cost-of-living adjustment is 5.9% increase so the raise of 5% doesn't make sense that is not a raise that doesn't even cover the cost-of-living increase. Poag stated that is not a way to do business and not the way to handle a town.

Kendall asked the residents what they think the clerk should receive. Eric Gries stated a 10% raise. Carol Schlumpf proposed 10% raise plus cost of living.

Freeman stated he wanted to move this along and asked Spindler if he could make a motion as president.

Spindler replied yes. Freeman stated, I move that Mallory receive a 7.5% rate increase across the board to her salary to help bring her up plus the cost of living. The other two employees receive a cost of living and we can adjust it or address it once the committee has completed their recommendations as of how the town needs to move forward, but until such time, they will get a cost-of-living adjustment only. Ray Engler seconded the motion. Motion passed by 3-1 voice vote.

Godeke voted nay and refused to sign the Town Ordinance.

Freeman stated to Mallory that we appreciate your service.

Kendall added that Mallory is very much appreciated.

### **3. Evansville's Sewer Mag Meters**

Aaron Kendall stated that when he had a meeting with the sewer committee, they talked about having some additional meters of our own installed at 10 residents' homes to make sure Evansville's and German Twp's water meters are reading accurately.

#### **Superintendent Report**

Aaron Enlow advised that they have had 30 locates and 21 service calls. Aaron has also completed 22 sump pump inspections since our last meeting. In total he has inspected 93 homes in the past 6 months. Out of 9 violations, 7 have been fixed and reinspected. One is scheduled for repair and one has not been repaired yet. We have saved the plumber cost by doing inspections themselves.

This is something that we have been going above and beyond to show that we are more than capable to fill these roles even though we have yet to be given the titles and compensation that goes along with these added responsibilities.

Aaron noted they have replaced about half of the road signs and will continue to work on the replacement project to have our signs in compliance with current reflectivity requirements weather permitting.

Aaron advised that they have calibrated the data loggers as well as replaced the batteries on the mag meters. The batteries will last about 4 years. Aaron also mentioned that he has been contacted by a resident that we are no longer in the National Flood Insurance program. He contacted the local agent and will research what we need to do.

They assisted in traffic control on BNH where there was some infrared repair completed in front of Eric Gries's home. Eric paid to have Boonville-New Harmony Road leveled out where there had been a dip from previous contract work. Aaron Enlow stated that there is some sewer issues and they discovered clay tile that they had to repair.

Aaron Enlow did contact Brandon Reed about the extreme leak and will be working with him to inspect his basement where the leak was reported. Reed said he has stopped the leak now and Enlow will schedule inspection.

#### **Fire Dept Report**

Brandon contacted Mallory Lowe and sent her the fire report while he was away in Germany.

#### **Deputy Sheriff Report**

Noah Robinson noted that we had a civil dispute in town, attempted break in at the 4h center. Robinson said there were a couple traffic accidents, one was motorcycle versus car which resulted in serious injury, the other accident did not have any serious injuries.

#### **Board member comments**

Ken Godeke asked Jason if we've filed a request for proposal. Jason replied that Paul decided to put it off till February.

Ray Engler noted that he has been working very hard on some things about a week away.

Kendall stated that he would like everyone to be under oath at these meetings or at least feel like they are, so they will tell the truth.

Lowe stated that she was pleased with a calmer, more professional meeting but does not agree with the 2-minute time limit placed on residents.

### Attorney comments

Jason Spindler noted that the lawsuit against TV Parts Now has been filed.

### Resident comments

Carol Schlumpf stated that why is the violations of Paul Freeman's dad's house different from the violations about the driveway off Boonville-New Harmony?

Schlumpf asked about the rock on Martin Road. Schlumpf also added that council should let residents' comment during the meeting since they are supposed to serve and represent the residents and many of the residents have good ideas that will save the town money before any votes are taken.

Cecil Poag stated that the cost-of-living adjustment is 5.9% increase so the raise of 5% doesn't make sense that is not a raise that doesn't even cover the cost-of-living increase. Poag stated that is not a way to do business and not the way to handle a town.

Kendall noted that perhaps we should have it be the cost-of-living increase plus a merit raise.

Eric Gries asked why Freeman decided to limit residents' comments to 2 minutes. Eric Gries stated that we as residents and tax payers are here to offer our comments and suggestions and we are being silenced.

Cecil Poag asked what the plans are for the Old State Road house that the town owns. Godeke said it's been discussed but the council hasn't done anything.

Angie Moers asked what if she or someone wants to buy the house on Old State?

Angie Moers stated that the land on that property is being farmed and we received a check from the farmer that threw us into a taxable situation that Lowe and Kendall had to remedy.

Angie Moers asked if there was ever a contract between the town and farmer for farming that land. Kendall replied no. Angie Mores stated that there should always be a lease in place if renting property for liability reasons. Kendall agreed.

Angie Moers asked Aaron Kendall if he still plans on stepping down as he stated that he would in December. Kendall stated that he would like to step down immediately.

Angie Moers asked how the vacant council seat will be filled. Freeman advised that current council members have interviewed some residents that have come forward.

Jean Bittner asked when the council can all get together to meet and discuss things. Lowe answered anytime, that they can all get together and meet every day if needed, they just need to advertise and give notice that they are having a meeting.

Bud Wimpelberg asked why don't we have a special election with all the bs that's been going on around here to appoint someone for the vacant seat in middle of a term? Spindler replied yes, there could be an unofficial election to fill vacant seats.

Jason Spindler stated that since none of the current council members have been elected, they have been appointed, that when a vacancy occurs the surviving members vote in a replacement. The remaining 3 would fill the vacant spot when Aaron Kendall steps down.

Bud Wimpelberg stated the council needs to be fair, trying to stop people to talk just because they got on your feelings, it goes both ways. Bud stated that Freeman should worry about what the people of Darmstadt want. Bud stated that if Freeman doesn't start showing the people that he is representing them he won't be on the council after next election.

Bud Wimpelberg asked when the next election is. Freeman replied it's in 2 years and Freeman replied that he has already announced his resignation at the end of this term.

Jim Dix asked if Kendall received any money from the sale of the bank. Kendall replied zero percent.

Jim Dix asked why the council downgrades the work the current maintenance employees are doing but yet won't put them in their proper positions, the superintendent office is vacant but council expects Aaron to perform the duties of the superintendent's position without getting paid for it.

Jim Dix stated he agreed with Cecil Poag that the government is giving 5.9% and why would the council not give at least that much.

Jay Sollman stated he sees the benefit of restructuring the meetings.

The meeting adjourned 9:13pm

Attest:

Mallory Lowe

Clerk-Treasurer

A handwritten signature in blue ink, appearing to read "Mary Lee".A handwritten signature in blue ink, appearing to read "Ann Adams".