

**TOWN OF  
DARMSTADT, INDIANA**

SETTLED 1822

INCORPORATED 1973

**Minutes of  
September 4th 2019**

These minutes are not intended to be a verbatim transcript.  
Audio of this meeting is on file in the Town Clerk's Office.

**TOWN COUNCIL**

Paul Freeman, President  
Phil McElroy, Council Member  
Aaron Kendall, Council Member  
Ken Godeke, 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 Phil McElroy. Also present was Superintendent Jeff Goerges, Assistant Aaron Enlow and Attorney Jason Spindler.

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

**CLERK-TREASURER'S REPORT:**

**In the clerk's office:** We continue to work on and submit records to the SBOA for our upcoming audit.

I met with Robert Norris from the DLGF downtown at the Civic Center on August 15th to plan, organize and go over our budget and proposed revenues for next year. Our budget is complete, I submitted our Form 3 to state. All our numbers looked good, he was pleased as usual that we had no debt. I set the tax levies as normal for General and CCD, we should expect a property tax income next year of about \$106,000.

**In the Utility Department:** All is going well, I'm preparing sewer liens for the fall property tax deadline. Our next rate increase on our residents is scheduled for January. It matches the same 7% percent increase that Evansville Water & Sewer is putting on us in January. This is a smaller increase than the previous 3 year increments that Evansville has imposed on us.

**Old Business**

**1. New 2018-2019 Matching Road Grant projects update**

McElroy noted that Lowe finished out our grant projects with INDOT and they were all successfully accepted.

**2. Old National Bank Building**

Kendall noted that our current agent Kyle Bernhardt received an offer, they wanted information about utility bills, we gave them what we had and we are now waiting to hear back from them.

**3. Apartment update**

Jeff Lowe introduced himself as the attorney for the proposed apartments lawsuit. Jeff Lowe explained the suit so far and brought us up to date where we are on zoning ordinances. Jeff Lowe explained that they discussed with plaintiffs counsel possible proposals to settle through mediation. Jeff Lowe stated that they discussed the town purchasing the property. They reached a resolution at the mediation for the town to purchase the property for 1.95 million adding that the insurance company will cover \$200,000 of it. Jeff Lowe explained that our town insurance does not cover fair housing claims. Therefore a more positive outcome was to explore purchasing the property and the developer dropping all lawsuits.

Freeman added that the developer, Wayne Kinney stated he will not develop anything in Darmstadt.

McElroy made a motion seconded by Godeke to purchase the land located at Hillsdale Road. Motion passed by a 4-0 voice vote.

## **New Business**

### **1. Budget 2020**

Lowe read the proposed budget numbers allowed, all are very similar to last years. There were no questions. Lowe noted next month is the budget adoption hearing.

### **Superintendent Report**

Jeff stated he received the flags we ordered for overgrown vegetation. Jeff advised that the had 18 sewer calls this month. They contacted a homeowner to take down a tree hanging over the road, and they did. Jeff stated that they have a heavy equipment trailer they have found at a great price. Freeman noted that we need this trailer to safely transport equipment on town roads. Kendall agreed that it was a good idea. Freeman explained that we could rent more equipment if we had a trailer versus paying more to contractors.

Kendall made a motion, seconded by Godeke to purchase an equipment trailer. Motion passed by 4-0 voice vote.

### **Fire Chief Report**

Fire department not present

### **Deputy Sheriff Report**

Deputy not present

### **Board member comments**

McElroy thanked Mallory Lowe and Jeff Goerges for working on finishing out the grant projects.

McElroy thanked Jeff Lowe, Mark Crandley and Jason Spindler for working so hard and diligently on this suit and bringing it to a conclusion.

### **Attorney comments**

Spindler advised that he would like to work on pursuing a bond. McElroy made a motion, seconded by Kendall to have Spindler use Barnes and Thornburg to pursue bond issue.

### **Resident comments**

Carol Schlumpf asked if there were any fines attached to the property from the clearing that had been done. Jeff Lowe stated there are no fines that he is aware of. Jason Spindler added that there will be a title search.

Jeff Day asked what the plan is on the town selling the property. Freeman noted that we first need to settle on purchasing the land first before we discuss next steps. Phil McElroy agreed that we need to wrap this up first.

Steve Kahre asked what the council's plan is on correcting these ordinances so we don't go through this again. Freeman noted that he is part of the code ordinance board now along with the county. Freeman explained the way the new zoning and ordinance codes will work on a computerized overlay program that this team is working on. Freeman added that we need to hire a zoning attorney to redraft our zoning ordinances.

Eric Gries asked when the bonds would be available and from where. Spindler noted that they wouldn't be local bonds. Kendall asked what the typical interest rate would be, Spindler replied 3 to 3.5%. Spindler replied that the bond would be for about 10 years.

Resident asked if there would be anything to inform the public of the settlement. McElroy and Jeff Lowe both stated that yes there would be a press release. Resident asked if we could put those updates on facebook. Spindler stated yes, we could post updates on social media.

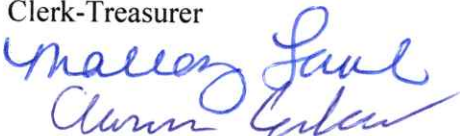
Carol Schlumpf asked if Hillsdale road was taken out, would it effect the railroad. Freeman stated if that was a possibility that it would be a joint discussion with INDOT and the Railroad if that were to happen.

The meeting adjourned at 6:55pm

Attest:

Mallory Lowe

Clerk-Treasurer



Mallory Lowe  
Dawn Carter