

The Common Council met immediately following the Water Utility Board on the above date in the Meeting Room at City Hall Annex with Mayor Knowles presiding and members Tucker, Rueger, Angel, and Cooper attending. Others attending were Comm. Gray; Chief Beloit; Chief Webber; Attorney Funkhouser; Cecil Waters; Sarah Apple; Barry Tanner - MAI; Greg Knowles; Vicki Cannato; Mrs. Wallis; Beth Foster - Mount Vernon Democrat; Jamie Grabert - Posey County News; and arriving during the meeting, Phyllis Ripplemeier - Posey Humane Society.

Mayor Knowles called the meeting to order by stating members were either mailed or hand carried copies of the minutes of their previous meeting and by asking if there were any corrections or additions. She added if not, she entertains a motion to waive their reading and to approve the minutes as presented.

Councilman Cooper moved the reading of the minutes be waived and they be approved as presented. Seconded by Councilman Angel.

Mayor Knowles stated all those in favor of the motion should signify in the affirmative; and following the vote, she reported the motion carried unanimously.

Mayor Knowles reminded the Audience that the meetings are conducted by Roberts Rules of Order and anyone wishing to address the Council should approach the podium and stated their name and their business. She then stated they will now hear the reports of the Standing Committees.

Street/Light Chairwoman Askren was not present.

Comm. Gray stated he is having problems with the traffic control devices around town - especially the Road Closed signs, they are disappearing. He added people are also moving the signs as well as driving around them and proceeding. He stated he has also seen folks driving down the sidewalks to go around equipment. He stated he believes people think if they can get around it, they might as well just drive around it.

Mayor Knowles agreed there are problems and added she has had numerous complaints, most of which say one lane at least should remain open.

Comm. Gray stated some people are even cutting through yards.

Councilman Rueger asked if Comm. Gray had any big trucks that he wasn't using he could possibly park and help block the road ?

Comm. Gray replied there was 1 already, but it how has broken glass - people have even been driving around the backhoe.

Mayor Knowles stated folks need to realize they should not be driving around these things, it is for their own safety.

Comm. Gray added he has already asked for and received extra police patrols, but people just ignore them as well.

Councilman Rueger stated unfortunately society is full of idiots.

Mayor Knowles wondered if the media could help let people know not to drive around the signs.

Ms. Cannato added the signs are getting stolen constantly.

Comm. Gray stated he has the same problem when he is paving the streets, folks just drive around it before the blacktop is even set.

Councilman Cooper stated he knows they had had a detour sign at Seibert Lane, he saw one night while on patrol out in the area. He added the police also tied back together an orange construction fence that had been cut through. He agreed they have been doing extra patrols, at least on the nights he works.

Mayor Knowles stated that what these people are doing is against the law, correct ?

Councilman Rueger replied yes, it is called "going to jail".

Mayor Knowles stated she feels when people do this they are putting the city in a liability standpoint.

Attorney Funkhouser added it is a criminal offense.

Comm. Gray stated he did find some old signs in a junk pile and they have now driven them into the ground and bolted the signs onto the poles.

Councilman Cooper asked if Comm. Gray could take a photograph of the signs so that it can be proven the signs were up to begin with.

Mayor Knowles agreed that was a good idea and added she really has no idea how long the project at Tile Factory will take. She state INDOT has to give a notice to proceed to the contractor.

Attorney Funkhouser stated if they do take photos, they should document on the back the date, time, location, and name of person taking the photo.

Councilman Tucker stated the purpose of this whole project was safety for the residents of Mount Vernon, he would hate to see an act of stupidity result in injury.

Phyllis Ripplemeier arrived at the meeting.

Councilman Cooper stated he has also heard of folks cutting through the storage yard there on Sherman Street extension. He wondered if someone could make the owner post No Trespassing signs.

Attorney Funkhouser question Comm. Gray on the measurements for Canal Street that had been discussed at the last meeting ?

Comm. Gray replied he is in the process of getting those measurements, he has just been a

little busy lately.

Mayor Knowles asked if there were any questions ?

There were none.

Police & Dog Chairman Tucker stated he has no report.

Chief Belloat stated he has no report.

Mayor Knowles asked if there were any questions ?

There were none.

Fire Chairman Rueger stated he has no report.

Chief Webber stated he has no report.

Mayor Knowles asked if there were any questions ?

There were none.

Sewer Chairman Angel stated he has no report.

Mayor Knowles asked if there were any questions ?

There were none.

Mayor Knowles stated they have the Financial Report for June before them and any questions could be directed to Clerk-Treasurer Wolfe.

Mayor Knowles asked if the Clerk-Treasurer had any Communications for the Council ?

Clerk-Treasurer Wolfe replied she finally received the June installment of tax monies late this afternoon, though they have not made it to the bank yet.

Mayor Knowles stated the first item on the Legal portion of the Agenda is discussion on rescinding the parking meter ordinance. She added she has spoken with State Board of Accounts on this and they indicated that if the meters are not being enforced, the ordinance needs rescinded.

Councilman Rueger moved Attorney Funkhouser be authorized to draft an ordinance to rescind the parking meter ordinance. Seconded by Councilman Angel.

Mayor Knowles stated all those in favor of the motion should signify in the affirmative; and following the vote, she reported the motion carried unanimously.

Mayor Knowles stated the next item is an Ordinance to amend the 2005 Salary Ordinance, relative to the Fire Chief position. She added the Board of Works recommended this at their last meeting, since Chief Webber has been doing the job since January, they felt he should be paid for it. She added the new position of Acting Fire Chief is being created, the

pay is the same as that for Fire Chief.

Councilman Angel moved the ordinance pass on first reading. Seconded by Councilman Rueger.

Mayor Knowles requested a roll call vote.

Roll was called by the Clerk-Treasurer with Council voting as follows:

Askren - absent; Tucker - yes; Rueger - yes;

Angel - yes; Cooper - yes.

Mayor Knowles stated the motion carried.

Councilman Rueger moved the rules be suspended. Seconded by Councilman Cooper.

Mayor Knowles requested a roll call vote.

Roll was called by the Clerk-Treasurer with Council voting as follows:

Askren - absent; Tucker - yes; Rueger - yes;

Angel - yes; Cooper - yes.

Mayor Knowles stated the motion carried.

Councilman Rueger moved the ordinance pass on second and third readings. Seconded by Councilman Angel.

Mayor Knowles requested a roll call vote.

Roll was called by the Clerk-Treasurer with Council voting as follows:

Askren - absent; Tucker - yes; Rueger - yes;

Angel - yes; Cooper - yes.

Mayor Knowles stated the motion carried.

Clerk-Treasurer Wolfe added it will be numbered 05-19.

Mayor Knowles stated the next item is a possible amendment to the Abandoned Vehicle Ordinance, relative to towing charges, as discussed at the last meeting. She stated is it an amendment to Section 90.02, Towing and Storage Charges, of the Mt. Vernon Code of Ordinances.

Attorney Funkhouser added that the Council will notice he took out "C" only, the remained of the ordinance remains the same. He stated the city will be responsible for unpaid towing and storage fees.

Councilman Rueger moved the ordinance pass on first reading. Seconded by Councilman

Cooper.

Mayor Knowles requested a roll call vote.

Roll was called by the Clerk-Treasurer with Council voting as follows:

Askren - absent; Tucker - yes; Rueger - yes;

Angel - yes; Cooper - yes.

Mayor Knowles stated the motion carried.

Councilman Rueger moved the rules be suspended. Seconded by Councilman Angel.

Mayor Knowles requested a roll call vote.

Roll was called by the Clerk-Treasurer with Council voting as follows:

Askren - absent; Tucker - yes; Rueger - yes;

Angel - yes; Cooper - yes.

Mayor Knowles stated the motion carried.

Councilman Cooper moved the ordinance pass on second and third readings. Seconded by Councilman Angel.

Mayor Knowles requested a roll call vote.

Roll was called by the Clerk-Treasurer with Council voting as follows:

Askren - absent; Tucker - yes; Rueger - yes;

Angel - yes; Cooper - yes.

Mayor Knowles stated the motion carried.

Clerk-Treasurer Wolfe added it will be numbered 05-20.

Mayor Knowles stated the next item for consideration is the Ordinance to repeal the Police and Fire Departments Drop Funds. She added again, this is mainly a housekeeping issue as State Board of Accounts indicated these ordinances were not necessary.

Councilman Rueger moved ordinance pass first reading. Seconded by Councilman Cooper.

Mayor Knowles requested a roll call vote.

Roll was called by the Clerk-Treasurer with Council voting as follows:

Askren - absent; Tucker - yes; Rueger - yes;

Angel - yes; Cooper - yes.

Mayor Knowles stated the motion carried.

Councilman Rueger moved the rules be suspended. Seconded by Councilman Cooper.

Mayor Knowles requested a roll call vote.

Roll was called by the Clerk-Treasurer with Council voting as follows:

Askren - absent; Tucker - yes; Rueger - yes;

Angel - yes; Cooper - yes.

Mayor Knowles stated the motion carried.

Councilman Angel moved the ordinance pass on second and third readings. Seconded by Councilman Cooper.

Mayor Knowles requested a roll call vote.

Roll was called by the Clerk-Treasurer with Council voting as follows:

Askren - absent; Tucker - yes; Rueger - yes;

Angel - yes; Cooper - yes.

Mayor Knowles stated the motion carried.

Clerk-Treasurer Wolfe added it will be numbered 05-21.

Mayor Knowles stated the next item is a possible amendment to the City of Mount Vernon Parking Schedules - 300 block of E. Canal.

Councilman Tucker added Mrs. Wallis present.

Attorney Funkhouser replied he is waiting on the measurements from Comm. Gray before the ordinance is prepared. He stated once he gets those, he will draft the ordinance and send it to the Council.

Councilman Tucker asked if the ordinance will be ready by the next meeting, then ?

Mayor Knowles replied yes, and if the rules area suspended, it will be passed.

Ordinance was tabled until next meeting.

Mayor Knowles asked if anyone in the Audience wished to address the Council ?

Phyllis Ripplemeier stated she would like to update the Council on where the Humane Society stands on their move. She stated they are still waiting on approval of the septic system from the state and therefore, does not anticipate that being completed prior to August. She added they can not even get bids on the work right now, and she knows Comm. Gray is in need of their space. She wondered if there were any questions ?

Councilman Tucker asked if there was not already a sewer line in that area ?

Ms. Ripplemeier replied it would cost them between \$10,000 - \$15,000 for a lift station, there is a huge tap in fee and then they would have to run the line, it would cost them close to \$30,000 to do that and it is not in their budget.

Mayor Knowles asked who owns the line ?

Ms. Ripplemeier replied it is on Old Hwy 62 - possibly Mr. Gillenwater.

Mayor Knowles stated she believes the tap fee for wastewater is based on square footage and there would be no additional fee now to tap on, the city owns that line, there would only be one tap fee.

Ms. Ripplemeier replied that is fine, she could take a look at that option, but all of their drainage lines have been laid based on the premise of a septic system that the state will eventually approve.

Mayor Knowles stated she wish she had known they were looking in that direction, Supt. Givens never relayed the information to her that he had discussed this with the humane society.

Ms. Ripplemeier stated she did speak with him a few months ago, and at that time, he advised against it.

Mayor Knowles stated she does not know why he would have told Ms. Ripplemeier that.

Ms. Ripplemeier added their building is 2100 sq ft and after pricing lift stations, discovered they are high, around \$10,000 to \$15,000.

Mayor Knowles added that if they are ever annexed, they would have to be on city sewer anyway, and they are right on the city limits now.

Ms. Ripplemeier stated she asked and was told they could stay on septic if there were annexed.

Mayor Knowles stated she can call IDEM tomorrow and check on this for Ms. Ripplemeier.

Ms. Ripplemeier asked how much time is there before they are annexed ?

Mayor Knowles replied the city is not to that point yet, though the humane society is located on the edge of the city limits.

Councilman Cooper stated he received a call from a lady whose daughter's car was parked by the humane society and scratched by a dog that was on a tie out.

Ms. Ripplemeier agreed there was an incident, but that the car was parked in an area where that could happen, the dogs are tied out there. She added she is sorry, she can't help it, but that is not their designated area to park.

Councilman Rueger asked if there are NO PARKING signs ?

Ms. Ripplemeier replied no, she had been advised against it.

Councilman Cooper stated he still feels it is the humane society's responsibility, their dog damaged the vehicle.

Ms. Ripplemeier stated she disagrees, the car in question was parked on humane society property, a dog was tied out there, the girl who parked there knew that.

Councilman Cooper stated he was told there were no dogs tied out there at the time.

Ms. Ripplemeier replied that is true and she can understand the lady's concern, but her daughter assume the risk when she parked there.

Councilman Angel asked who took the dog out ?

Ms. Ripplemeier stated she did not know whose car it was, the dog in question was on the far end of the dog tie out.

Councilman Cooper asked if there has been another car parked there ? He had heard that a dog jumped into the back of a street department employees truck.

Ms. Ripplemeier stated the employee (John Anderson) never filed a complaint on that.

Councilman Cooper stated he does not know about that, THIS lady called him.

Ms. Ripplemeier stated there is no other option for walking the dogs.

Councilman Cooper stated they need to post NO PARKING signs.

Attorney Funkhouser asked in this case of damage, he is not sure who pays for damage, he will have to look into it.

Councilman Cooper stated the lady he spoke with wants her car fixed.

Ms. Ripplemeier replied it looks to her like the scratches could be buffed out.

Councilman Angel stated the problem is someone knew the lead could reach the car.

Mayor Knowles wondered if the lead could have been shortened.

Ms. Ripplemeier replied no way, the dog would then have been standing in its own waste.

Attorney Funkhouser stated he does not see how the city could be liable in this.

Mayor Knowles agreed.

Councilman Cooper asked if the humane society has insurance ?

Ms. Ripplemeier replied yes, but this would "open the door" here. She added she does not KNOW the dog did the damage, and the girl never came in to complain to the humane

society.

Mayor Knowles agreed that was true as well.

Councilman Cooper stated he feels they need NO PARKING signs to avoid liability.

Mayor Knowles also suggested a sign saying ".....not responsible for damage...."

Councilman Cooper asked if the city should do anything.

Councilman Rueger replied the person with the damage could file in small claims court.

Attorney Funkhouser replied the humane society is responsible for goes on on their property, though the city could have SOME liability, it is not an easy question. He added they should probably put signs up now.

Mayor Knowles wondered about a sign posted as a waiver of property damage or something, she is not sure of the verbiage that should be used.

Attorney Funkhouser added the Council would not want him going to go court on this, they may want to divide the liability on this.

Councilman Cooper stated he does not feel the city is responsible, but now the city knows there is a situation, the door is open.

Attorney Funkhouser stated there are no claims against the city so far for this.

Ms. Ripplemeier stated the humane society never heard about this until a day or so had gone by.

Attorney Funkhouser stated the car in question was also parked in grass, people do not park in grass, that is negligence on her part.

Councilman Cooper added the parking is very limited down there.

Mayor Knowles asked if anyone else in the Audience wished to address the Council ?

There was no response.

Mayor Knowles asked if there was any Old Business ?

Attorney Funkhouser stated in reference to the Green Valley Apartments request for a STOP sign, he wondered if all the buildings were owned by the same person ?

Councilman Cooper replied no.

Attorney Funkhouser stated both owners would need to come to a meeting on this to make the request, they would both have to sign the contract.

Councilman Tucker stated the back two buildings are not managed by Ms. Zenthoefler and that is where the problem is of the noise, reckless driving and speeding.

Mayor Knowles stated she can contact Ms. Zenthoefler on this for her to get in touch with the owners.

Mayor Knowles also stated Ms. Cannato is still trying to find the owners of the Southwind Shopping Center about the median that was brought up at the last meeting.

Attorney Funkhouser stated he needs to ask Comm. Gray something about the jail water pressure issue, though this is not the Water Utility Board meeting. He added the county is waiting on an answer from him.

Comm. Gray stated there have been no engineering decisions made yet, and they need to make sure this fix will work. He added they are waiting on engineering data right now.

This was tabled until next meeting.

Mayor Knowles asked if there was any New Business ?

There was none.

Mayor Knowles stated they will now hear the reports of the Districts.

1<sup>st</sup> District Councilwoman Askren was not present.

2<sup>nd</sup> District Councilman Tucker stated he has no report.

3<sup>rd</sup> District Councilman Rueger stated he has no report.

4<sup>th</sup> District Councilman Angel stated he has no report.

Councilman-at-Large Cooper stated he has no report.

Mayor Knowles stated the website is going great and she was recently contacted by a local business wanting a link on the site. She added she would like all business to know that is fine, they just need to contact her office and they will see that any local business is added.

Mayor Knowles then stated she received a letter of official approval for the Economic Development \$50,000 Planning Grant they applied for, so that is great news.

Councilman Cooper questioned Comm. Gray about a Clark Dietz package that is on the Council table ?

Comm. Gray replied it is a proposal for the jail work.

Mayor Knowles stated the county contacted her about working together on this project, and she thought Scott Moye had contacted Councilman Cooper as well.

Councilman Cooper indicated he had not been contacted.

Mayor Knowles stated the county is wanting to use the same engineering firm on the project, and the Water Utility Board can choose whomever they wish, it matters not to her,

she is not going to get in the Board's business. It seems there was a miscommunication between them and the county.

Attorney Funkhouser indicated there is a contract included in the proposal and they should probably table this until the next meeting, when everyone is better informed on the situation.

Council agreed.

Mayor Knowles stated if there were no further business, she entertains a motion to adjourn.

Councilman Cooper moved the meeting be adjourned. Seconded by Councilman Angel.

Mayor Knowles stated all those in favor of the motion should signify in the affirmative; and following the vote, she reported the motion carried unanimously and adjourned the meeting.

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Rosemary L. Knowles

Mayor

ATTEST:

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Cristi L. Wolfe

Clerk-Treasurer