

May 26, 2016

The Common Council met as the Water Utility Board at 7:00 pm on the above date in the Meeting Room at City Hall Annex with Mayor Curtis presiding and members Jeffries, Williams, Johnson, and Higgins attending. Board member Hoehn was not present. Others attending were Attorney Higgins; Supt. Gray; Chief Alldredge; Chief Dixon; Comm. Dieterle; Acting Supt. Moss; Ed Adams; Nancy Sexton; Jeff Woodford; Kyle Haney; Linda Young; Brandy and Troy Ricketts; Paula and Ken Rudibaugh; Randy Adams; Corey Woolsey – Mount Vernon Democrat; and arriving during the meeting, Larry Horton; and Laird and Christy Davis.

Mayor Curtis called the meeting to order by stating members were emailed minutes of their previous meeting and by asking if there were any corrections or additions. He added if not, he entertains a motion to waive their reading and to approve the minutes as presented.

Board member Higgins moved the reading of the minutes presented be allowed for payment. Seconded by Board member Johnson.

Mayor Curtis asked if there was discussion ?

There was none.

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

Mayor Curtis requested action on the claims presented.

Board member Williams moved the claims presented be allowed for payment. Seconded by Board member Johnson.

Mayor Curtis asked if there was any discussion ?

There was none.

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

Mayor Curtis stated they will now hear the report of the Water Chairman.

Larry Horton arrived at the meeting.

Water Chairwoman Johnson stated she has no report.

Supt. Gray stated he has some work orders that need approval tonight. He continued by stating the first one is for work done on the water loss audit and infrastructure needs survey, in the amount of \$5,000.00. The work has already been done. He then stated the second one deals with the water distribution/system mapping. It is in the amount of \$27,100.00.

Water Chairwoman Johnson moved work order one in the amount of \$5,000 be approved. Seconded by Board member Williams.

Mayor Curtis asked if there was any discussion ?

There was none.

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

Board member Williams moved work order number two in the amount of \$27,100 be approved.

Seconded by Board member Higgins.

Mayor Curtis asked if there was any discussion ?

Water Chairwoman Johnson asked if this is a one time thing, or only cover a certain area of town ?

Supt. Gray replied it covers the entire distribution system.

Mayor Curtis stated this will also be an update to the GIS that the city can model itself.

Supt. Gray agreed.

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

Supt. Gray stated they have the first draft of the water audit and the water loss audit and it came in at 16.5%. The best it could be is 12%. He concluded that when he started it was up around 55-65%.

Mayor Curtis asked if there were any questions ?

There were none.

Mayor Curtis asked if the Clerk-Treasurer had any Communications for the Board ?

Clerk-Treasurer Sitzman replied not at this time.

Mayor Curtis asked if there were any Legals for consideration ?

Attorney Higgins stated they have some outstanding BAN's that were issued a year ago for the water tower work and construction that was done at the plant. At that time Umbaugh conducted a rate study and they decided to go forward with temporary financing (BAN's). She continued by stating after a conference with Umbaugh they it was determined they either now need to turn the temporary financing into permanent financing or extend the BAN's. Umbaugh recommends an extension on the BAN's.

Laird and Christy Davis arrived at the meeting.

Attorney Higgins added the extension would be for one year and would give them time to get a truer read on the rates as they stand.

Mayor Curtis asked if anyone in the Audience wished to address the Board ?

There was no response.

Mayor Curtis asked if there was any Old Business ?

There was none.

Mayor Curtis asked if there was any New Business ?

There was none.

Mayor Curtis stated if there was no further business, he entertains a motion to adjourn.

Board member Johnson moved the meeting be adjourned. Seconded by Board member Higgins.

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

Bill Curtis, Mayor

ATTEST:

Cristi L. Sitzman
Clerk-Treasurer

The Common Council met immediately following the Water Utility Board on the above date in the Meeting Room at City Hall Annex with Mayor Curtis presiding and members Jeffries, Williams, Johnson, and Higgins attending. Councilman Hoehn was not present. Others attending were Attorney Higgins;

Supt. Gray; Chief Alldredge; Chief Dixon; Comm. Dieterle; Acting Supt. Moss; Ed Adams; Nancy Sexton; Jeff Woodford; Kyle Haney; Linda Young; Brandy and Troy Ricketts; Paula and Ken Rudibaugh; Randy Adams; Corey Woolsey – Mount Vernon Democrat; Larry Horton; and Laird and Christy Davis.

Mayor Curtis called the meeting to order by stating members were emailed minutes of their previous meeting and by asking if there were any corrections or additions. He added if not, he entertains a motion to waive their reading and to approve the minutes as presented.

Councilman Williams moved the reading of the minutes presented be allowed for payment. Seconded by Councilwoman Johnson.

Mayor Curtis asked if there was discussion ?

There was none.

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

Mayor Curtis stated they will now hear the reports of the Standing Committees.

Street & Light Chairwoman Higgins stated she has no report.

Comm. Dieterle stated he has no report.

Mayor Curtis asked if there were questions ?

There were none.

Police & Dog Chairman Jeffries stated he has no report.

Chief Alldredge stated he has no report.

Mayor Curtis asked if there were questions.

There were none.

Fire Chairman Hoehn was not present.

Chief Dixon stated he has no report.

Mayor Curtis asked if there were any questions ?

There were none.

Sewer Chairman Williams stated he would like to give an “atta boy” to the sewer for all of their hard work on the manhole collapse. He added he was very impressed with the work they did. Good job.

Acting Supt. Moss stated he has no report.

Mayor Curtis asked if there were any questions ?

There were none.

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

Clerk-Treasurer Sitzman replied not at this time.

Mayor Curtis stated they are now ready for the Legal portion of the Agenda, with the first item being a Resolution to Transfer in the Park & Recreation Fund.

Attorney Higgins stated this is coming as a result of the raises that the Park Department received from the Park Board. Moving money from other line items to cover the raises.

Councilwoman Johnson moved the Resolution be passed. Seconded by Councilman Williams.

Mayor Curtis asked if there was any discussion ?

There was none.

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

Attorney Higgins stated the next item goes along with the previous. It is an Ordinance Amending the City of Mount Vernon, Indiana 2016 Salary Ordinance for Positions with the Motor Vehicle Highway Department, Fire Department and the Park and Recreation Department. She added some changes in the MVHF only remove names from certain positions, and the Fire Dept change was changing the on-call from being paid annually to quarterly. The Park & Recreation changes are to increase the salaries that were originally approved at budget time.

Councilwoman Higgins moved the Ordinance pass on first reading. Seconded by Councilman Williams. Mayor Curtis asked if there was any discussion ?

There was none.

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

Attorney Higgins stated the next item comes as a recommendation of the Board of Works at their meeting this afternoon. She added this is amending the current ordinance to get them in compliance with their NPDES permit.

Councilman Williams moved the Ordinance Amending the City of Mount Vernon, Indiana Code of Ordinances, Title V – Public Works, Chapter 50 – Sewers for Users of the City of Mount Vernon Wastewater Treatment Plant pass on first reading. Seconded by Councilwoman Johnson.

Mayor Curtis asked if there was any discussion ?

There was none.

Mayor Curtis requested a roll call vote.

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

Jeffries – yes; Williams – yes; Hoehn – absent;

Johnson – yes; Higgins – yes.

Mayor Curtis stated the motion carried unanimously.

Attorney Higgins stated the next item is the second reading of the Ordinance Addressing Chronic Problem Real Estate Properties within the City of Mount Vernon, IN.

Councilwoman Johnson moved the ordinance pass on second reading. Seconded by Councilman Williams.

Mayor Curtis asked if there was any discussion ?

Councilwoman Johnson stated she has hesitations with this ordinance. She added she believes Chief Alldredge may have some information for the Council tonight.

Chief Alldredge presented the Council with data collected on runs, in this example, for the Southwind Apartments complex. He used 2015 figures.

Councilwoman Johnson stated from what she is looking at, only 23 cases were drawn on 247 complaints. Again, 23 cases drawn, and 19 arrests made. Of that, only 11 incidents would have met the criteria for this ordinance. This seems very time consuming, collecting this data.

Chief Alldredge agreed and added very.

Councilwoman Johnson stated again, she does have concerns with this. She wants a better quality of life, but with this 2015 information they were just given, it appears that nothing would change. It would put extra workload on the police department, and for what ? What is coming from it ?

Mayor Curtis asked what is meant by nothing changes ?

Councilwoman Johnson replied no one would make the list of nuisance properties. She added it isn't a bad idea, but it will surely cause an increase in manpower and enforcement.

Councilman Williams stated he is not opposed to the ordinance, but he does not feel the landlord should be held solely responsible. The tenant should bear the brunt as well.

Councilman Jeffries referred to Section 1 (b) 4 if the lease is termed or the tenant evicted....that may be a little more fair. His issue is that they need to raise the quality of screening of tenants in their neighborhood, consider it an abatement of eviction.

Councilwoman Johnson replied that she liked that.

Councilman Jeffries stated it is the renter that is causing the issue – evict them. As a landlord he is then meeting his social obligation. He then stated in reference to multi-family dwellings, such as Southwind, one bad apple shouldn't ruin the whole bunch. In this ordinance everyone living there would be accountable.

Councilman Williams added why fine the landlord and let the tenant off scot free ? The tenant and the landlord both need to be held responsible.

Councilwoman Higgins stated they will just be able to start over in a different part of town.

Mayor Curtis stated the new manager at Southwind has indicated she has stepped up evictions, and she has also indicated that in the past year, the calls to the police have gone down some.

Councilwoman Johnson agreed that is progress.

Mayor Curtis stated a lot of the calls made out there are not of a criminal nature.

Councilman Jeffries stated on the arrest list, more than half were on No Trespassing. Management is working.

Councilwoman Johnson asked if they can make amendments to this ordinance ?

Councilman Jeffries stated he actually has two amendments that would come to mind. One, Section 1 (b) 4 – lower to five the number of verified complaints at an INDIVIDUAL UNIT.

Attorney Higgins stated if eviction is filed for, there is a 90 day period to get that resolved. She stated per unit in a multi-unit area, treat that any differently ?

Councilman Jeffries replied a partial abatement basically.

Attorney Higgins agreed.

Councilman Jeffries stated a fine can be held over someone's head for a year.

Mayor Curtis stated in a multi-family unit.....in order for that to come off, takes a year with no qualifying events. That is virtually impossible to get off and start over. There will always be a fine.

Councilman Jeffries stated if he is a manager, a crime is committed, I should WANT to call the police and the offender picked up. If Council is not clear on this, they may be reluctant to do that. If this ordinance is done poorly, there will not be good consequences.

Councilwoman Johnson agreed and added this addresses victims.

Councilman Jeffries stated in reporting activity, there should be a separating out of addresses – one problem unit versus the whole complex. He stated he sees both sides, but they need to be very careful with this.

Mayor Curtis asked if there was any more discussion ?

Attorney Higgins questioned amendments. Do they want to consider every address as separate and treat all the same ?

Councilman Jeffries replied yes, though that would raise the administrative burden.

Councilwoman Johnson agreed and added they need to do this right.

Councilman Jeffries questioned Chief Alldredge on how much of a burden it would be to separate out the addresses.

Chief Alldredge replied it really wouldn't change anything.

Attorney Higgins stated then there would be one standard.

Councilman Jeffries stated he suggests they consider that. It is more fair. He doesn't want to punish the whole complex.

Councilwoman Johnson agreed.

Councilman Williams stated they should fine the lease holder as well.

Councilman Jeffries stated the burden needs to be put on the owner.

Attorney Higgins stated the fine can be passed on to the tenant, but is harder to collect that fine. The issue of collectability comes into play.

Mayor Curtis stated if it is on the tenant that is additional tracking, who's responsible ? He wondered if they could collect fee on the sixth call out.

Councilman Jeffries stated a fine is a fine, collecting it is another matter.

Councilman Williams again stated some accountability needs to be on the tenant.

Councilman Jeffries stated folks have to be qualified for certain housing benefits – they could be de-qualified.

Attorney Higgins stated that is a totally different ordinance.

Councilman Williams stated another example is: he borrows Councilman Jeffries' car and gets a speeding ticket. The ticket would be on him, not Councilman Jeffries.

Mayor Curtis asked if anyone in the Audience wished to address this ?

Randy Adams stated five calls in a time period...to him that says the landlord has five chances to get the problem in check. It is not an immediate thing. The tenant's responsibility – that is what the police department is for, they should be taken to jail. If the landlord keeps them in there, then the landlord should bear some of the responsibility. He added the situation in his area is much better than it was lately, but when they call the police, nothing happens. There have been several incidents just this week alone – and again, nothing. Again, same landlord involved. There have been three calls this week on this one residence. He added they watched juveniles break into a residence, take some items, and begin hauling them up the hill to their residence. The police were called and they watched the police talk to them and tell them to take the stuff back – that was it.

Councilwoman Johnson stated this ordinance does not address the situation of kids damaging homes – the kids doing the damage could live three blocks away.

Mr. Adams replied this has been going on for four years now. He won't call the police anymore because nothing is getting done.

Councilwoman Johnson replied that is her issue – this ordinance will not fix that issue.

Mr. Adams the landlord should be responsible for the issues in the neighborhood. Something needs to be done. The landlord needs to be responsible for who he puts in a home.

Christy Davis asked about the amendments ?

Councilman Williams replied they are feasible.

Attorney Higgins replied she will have to look at that. It is Council's ordinance. If tracking kids back to their residence is what they want her to add...they will be making the landlord a quasi-parent or parent. Is the landlord responsible for what a kid does at school?

Mayor Curtis added there needs to be a reason for a citation...if it is tracked back to a kid, it will go through the court, and in the end the person is held accountable or they aren't.

Attorney Higgins added parents are responsible for juveniles.

Mayor Curtis stated if there is no case report, it doesn't count anyway.

Someone from the audience stated in the case of minors, the police come, no report is written. A citation needs to be written – not just given a talking to.

Attorney Higgins stated the Council can't tell the police department when to write a citation.

Mr. Adams stated he has seen stealing, slashed tires, etc and the officer didn't want to write a report.

Mayor Curtis stated the police department uses their best judgment, based on experience. If someone sees this going on and nothing is done.....Chief Alldredge reports to HIM. Tell Chief Alldredge then he can carry it from there. It needs to be called in or there is no way of making him aware.

Mr. Adams stated if there is no report, it won't come back on the landlord.

Mayor Curtis stated that is not his point – if something isn't handled properly then steps will be taken with people who work for the city.

Kyle Haney stated he lives at 408 W. 8th Street. He stated five calls per unit – what if there is a huge fight in the parking lot ? There is no way to attribute that to any one unit.

Councilwoman Johnson replied exactly.

Councilman Jeffries added the thing is they can not legislate for every possible situation. It needs to be very finite. The details need to be worked out.

Councilman Williams stated sometimes the perpetrator has more rights than the victim.

Mr. Haney asked if this ordinance can also apply to homeowners as well ?

Councilwoman Johnson replied yes.

Mr. Haney brought up applying fines. In reference to the city's weed ordinance, if the renter doesn't mow, the landlord is notified and the landlord gets the fine. If it is not paid, a lien is filed on the property. It is then collected through taxes. The tenant won't pay it.

Councilman Jeffries replied it is not viable.

Mr. Haney stated his mother was robbed at her home, and no one was held responsible. The officer said yes, they knew who did it and were familiar with this person, but they can't keep him in jail long enough. There is no rehabilitation. The kids take off and run when the police are called, but the neighbors all know what house they live at. This could be a step to a solution. Mount Vernon has a crime issue. People's safety and possibly lives are at stake. Mount Vernon needs to be safe.

Attorney Higgins stated five incidents on the property owner – the fine can not be collected via the lien process.

Mrs. Davis stated this is costing the city a lot of resources – can they city not raise taxes to handle the crime ?

Councilman Jeffries stated until two meetings ago, that was never discussed.

Mrs. Davis stated it sounds to her like the police department does not have enough resources to police all of this.

Councilman Jeffries stated is not about raising money, but having the landlord take caution with who they rent to.

Mrs. Davis stated they may need an anonymous tip line here.

Councilman Williams stated the Council just passed a new public safety tax. He added he is not sure how much the city will get or what it will be used for.

Mayor Curtis stated it's about asset management, as in people are an asset, as is infrastructure....they need to look at other things as well. There may be a crime problem in Mount Vernon....he wants to look at response times, how does Mount Vernon stack up against other towns their size. He added he will be talking with Chief Alldredge on those things. He added he is in no way saying there aren't problems in that area.

Nancy Sexton questioned Chief Alldredge about consequences for the kids that vandalize?

Chief Alldredge stated if they know about it, and there are witnesses, they take statements. If they are juveniles they are released to their parents and they file a report in the courts.

Ms. Sexton stated they witness vandalism in Riverbend Park and there is never a consequence, none. She would bet most of the offenders are under 18.

Linda Young stated she has been a landlord since 1974 with seven commercial units. She added landlords don't really know folks until they are already in a unit. She believes that three calls should be enough for eviction. The main reason people are evicted is for non-payment of rent, so by the time that happens, the landlords miss at least two months rent by that point. Now they are wanting to fine the landlord as well. She added the VA is also starting to come down on rights of veterans, where they could fall into this number of calls category due to PTSD, which is not really their fault. Council needs to think this all the way through. It involves people and tenants have rights as well. It is hard to be community minded and charitable. Some people could lose their Section 8 for life – pretty hard penalty. Maybe they could work on getting faster eviction, which would be great.

Laird Davis stated he opposes this ordinance. He is a small landlord with not many rentals. According to this ordinance, once a property is deemed a nuisance property, then the city deems the landlord responsible for anything that happens after that.

Attorney Higgins replied no actually, it just means the fines go up.

Mr. Davis stated that isn't what he read in Section II (f)....that is reprehensible. He added he is all for cleaning up the town, but they are forced to carry out a punishment. He stated he is not a police officer and this is more of a law enforcement issue. This ordinance can't do what needs to be done. Council should do this carefully and correctly – there are a lot of WHAT IFS here.

Mayor Curtis stated if there was no further discussion, there is a motion and a second on the floor to pass the ordinance on second reading.

There was no further discussion.

Mayor Curtis requested a roll call vote.

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

Jeffries – no; Williams – no; Hoehn – absent;

Johnson – no; Higgins – no.

Mayor Curtis stated the motion did not carry. He then added any amendments should be given to Attorney Higgins for further consideration.

Attorney Higgins stated the next item comes as a requirement from the State Board of Accounts. The City has to adopt internal control standards and they need to be in place by the end of June. Everyone that handles money will have to be trained and that training has to be complete by December 31, 2016. It is very involved and there is a lot of accountability, work, and time involved. Again, it is required that they adopt the policy. She then stated the fiscal officer will have to certify that the city is following policy. She added there is a blank in the ordinance that Council will have to fill in – the threshold amount. The amount that will be reportable. She added as the city, we are good fiduciary keepers of the peoples' money. The MSD of Mount Vernon had to do put a similar ordinance into effect and they used \$5,000 as their threshold – again, this is the amount of loss that would be required to be reported to State Board of Accounts.

Councilman Williams stated he has seen a lot of emails on this. He added it is a great thing. He then moved the Ordinance Establishing Internal Control Standards and Establishing a Materiality Threshold for the City of Mt. Vernon, IN pass on first reading. Seconded by Councilman Jeffries.

Mayor Curtis asked if there was any discussion ?

There was none.

Mayor Curtis requested a roll call vote.

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

Jeffries – yes; Williams – yes; Hoehn – absent;

Johnson – yes; Higgins – yes.

Mayor Curtis stated the motion carried unanimously.

Attorney Higgins stated the next item is a Resolution of Temporary Loan.

Clerk-Treasurer Sitzman stated this is to get them through the end of the month in the General Fund – until they get tax settlement. She added she has requested an advance draw but has seen nothing yet. This will be paid back as soon as settlement is received.

Councilman Williams moved the Resolution of Temporary Loan from COIT to the General Fund, in the amount of \$200,000.00 be approved. Seconded by Councilman Jeffries.

Mayor Curtis asked if there was any discussion ?

There was none.

Mayor Curtis requested a roll call vote.

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

Jeffries – yes; Williams – yes; Hoehn – absent;

Johnson – yes; Higgins – yes.

Mayor Curtis stated the motion carried unanimously.

Clerk-Treasurer Sitzman added it will be numbered 16-9.

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

There was no response.

Mayor Curtis asked if there was any Old Business ?

There was none.

Mayor Curtis asked if there was any New Business ?
There was none.

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

1st District Councilman Jeffries stated school is out, please be mindful of the kids.

2nd District Councilman Williams stated at today's Board of Works meeting they discussed the manhole collapse and it was decided they need to work out some road closing procedures, which he applauds.

3rd District Councilman Hoehn was not present.

4th District Councilwoman Johnson stated that collapse was in her district and she would like to thank the sewer department for their quick response.

Councilwoman-at-Large Higgins stated Cabelas had their fishing tournament here over the weekend with 45 teams in attendance from nine states. Mount Vernon put a good foot forward and she heard a lot of good comments. She added Jeremy Coe of Cabelas will be here in two weeks and they also plan coming back to Mount Vernon next year.

Mayor Curtis added the 4 Seasons was full and Mr. Schelhorn indicated Hawg N Sauce did a good business as well.

Mayor Curtis stated this weekend is Memorial Day and he asked that everyone recall to honor those killed in service as well as those who served. He then stated if there was no further business, he entertains a motion to adjourn.

Councilman Williams moved the meeting be adjourned. Seconded by Councilman Jeffries.

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

Bill Curtis, Mayor

ATTEST:

Cristi L. Sitzman
Clerk-Treasurer