

**Common Council Meeting – Monday, July 25, 2011 – Held at Ligonier Sports & Recreation Center, Kenney Park, Ligonier, IN – 7:00 pm – Audio Available**

**Ceremony honoring Police & Firefighters**

The ceremony was delayed to later in the meeting due to a first responder run.

Police Chief Bryan Shearer and Fire Chief Jeremy Weaver honored members of their staff for their heroism in their successful life saving efforts of Steve Hursey on December 11, 2010. Police Officers Matt Johnson and Brandon Stout and Firefighters Lauren Bishop, Josh Snyder, Eric Bench, and Lt. Barry McDonald received the Distinguished Service Citation which included a gold medal and red and blue breast bar for their uniform, and a plaque. Mayor Fisel offered her congratulations and praise to the City's emergency responders as well.

**Call to order by Mayor Fisel**

**Pledge of Allegiance to the Flag**

**Roll Call**

Present:

Council President Ken Schuman, Council members John Pettit, Gary Bishop, Karen Richendollar, and John Lutton  
Mayor Patty Fisel, City Attorney Steve Hagen, and Clerk Treasurer Barb Hawn

**Minutes from previous meeting of July 11, 2011**

*Motion to approve by: John Lutton      Seconded by: Ken Schuman*

*Vote: All Ayes*

**Citizens Comments**

Lois Rosenogle, Westfield Drive

Comment: Expressed concern over ability to hear the meeting and asked if microphones could be used. Unfortunately this was not possible.

Chris Fought, Main Street

Comment: Operation Foundation (OF) will hold the final planning meeting on Tuesday, July 26, 2011 at the Command Center on Lincolnway West (Swank Building) at 7:00. The opening ceremony for OF will be Wednesday, July 27, 2011 on Main Street. Project work will run from Thursday, July 28, 2011 through Wednesday, August 3, 2011.

**Unfinished Business**

1. County Certificate Sale – Ratification of 103 W 4<sup>th</sup> Street Purchase

The Council appropriated funds for purchase of property at the County Certificate Sale. The City was able to purchase property at 201 Pigeon, which was specifically discussed in a meeting prior to the sale. The City was also able to purchase property at 103 W 4<sup>th</sup> Street, with demo, for possible future use as hitching post parking and rain garden. It comes before Council to ratify the decision at this time.

*Motion to ratify the decision to purchase the property at 103 West Fourth Street at the County Certificate Sale by: Gary Bishop      Seconded by: Ken Schuman      Vote: All Ayes*

2. Ordinance 792-2011 – Revised Payment Breakdown of Mayor/Clerk 2011 Salary

The City had been advised by the SBOA that their decision to pay the Mayor and Clerk salaries for 2011 from 1/3 General and 2/3 Wastewater, rather than the normal 1/3 General, 1/3 Wastewater, and 1/3 Water, was not acceptable. Therefore it was necessary to pass a new ordinance reverting to the later.

*Motion to pass Ordinance 792-2011 revising the breakdown of the Mayor and Clerk salaries for 2011 to 1/3 General, 1/3 Wastewater, and 1/3 Water by: John Lutton  
Seconded by: Gary Bishop      Vote: All Ayes*

*Motion to suspend the rules and pass Ordinance 792-2011 on the second reading by: John Lutton  
Seconded by: Gary Bishop                      Vote: All Ayes*

*Motion to further suspend the rules and pass Ordinance 792-2011 on the third and final reading by:  
John Lutton Seconded by: Gary Bishop Vote: All Ayes*

### 3. Perry Township Fire Contract for 2012

Council previously agreed to hold the pricing for the Perry Township Fire Contract for 2012 at the same price as 2011, \$27,638.83. The contract was made available for approval.

*Motion to approve the Perry Township Fire Contract as presented by: Ken Schuman  
Seconded by: John Lutton                    Vote: All Ayes*

#### 4. Elkhart Township Fire Contract for 2011 – Revised

Council previously approved and signed a fire contract for Elkhart Township. Sheila Jett, Elkhart Township Trustee, was unhappy with certain verbiage which had been in a previous contract, but was not in her last contract from 2008-2010. Having asked for the removal of the verbiage, and the agreement from the City Attorney that this was acceptable, a revised contract was made available for approval.

*Motion to approve the revised Elkhart Township Fire Contract as presented by: Ken Schuman  
Seconded by: Gary Bishop                    Vote: All Ayes*

## 5. Rates for 2012-2014 Elkhart Township Fire Contract

Council held the rates for the 2011 Elkhart Township at the 2010 price. Recommendation for rates on the new contract for 2012-2014 were discussed with a 3.5% increase (as used in the 2008-2010 contract pricing) suggested.

*Motion to set the 2012-2013 rates for the Elkhart Township Fire Contract with a 3.5% increase year by:  
Gary Bishop Seconded by: John Lutton Vote: All Ayes*

## 6. Completion of Sunnyside Street

Sunnyside Street is currently a dead end street. It was previously suggested that the street be completed to allow emergency vehicles and snow plows to easily pass through. Completion of the street should be added the City's next street project due to the move in fee from the contractor.

*Motion to connect Sunnyside and make it a through street with the next City street project by: John Lutton  
Seconded by: Ken Schuman                      Vote: All Ayes*

## New Business

## 1. Ordinance 793-2011 – 3<sup>rd</sup> Party Payment Processing Authorization

The BOW approved the use of a third party payment processing company for credit card payments to the City. PayGOV LLC offers its service completely at no charge to the City, making its revenue through transaction fees to the customer. Customers will be able to pay at the counter, online, or over the phone using their credit or debit card. Ordinance 793-2011 allows the Clerk to contract with the payment processing company.

*Motion to suspend the rules and pass Ordinance 793-2011 on the second reading by: Ken Schuman*

*Seconded by: Gary Bishop*      *Vote: All Ayes*

*Motion to further suspend the rules and pass Ordinance 793-2011 on the third and final reading by:*

*Ken Schuman*

*Seconded by: Gary Bishop*

*Vote: All Ayes*

## 2. Ordinance 794-2011 – Amending Zoning Map

Ordinance 794-2011 would allow for rezoning of the properties at 413, 501, 503, 505, and 507 South Cavin Street to R3 (Residential) from CB (Central Business).

*Motion to approve Ordinance 794-2011 and rezone the properties at 413, 501, 503, 505, and 507 South Cavin Street to R3 (Residential) by: Gary Bishop*

*Seconded by: John Lutton*      *Vote: All Ayes*

*Motion to suspend the rules and pass Ordinance 794-2011 on the second reading by: Gary Bishop*

*Seconded by: John Lutton*      *Vote: All Ayes*

*Motion to further suspend the rules and pass Ordinance 794-2011 on the third and final reading by:  
Gary Bishop Seconded by: John Lutton Vote: All Ayes*

### 3. Treva Rex Estate Property Sale

A triangle of property of the Treva Rex Estate will be auctioned on August 4, 2011. It is at the north edge of the City. It was suggested that the City might be interested in obtaining the property to allow it to become the north gate of the City. Funds remain from the recent appropriation of funds for land purchase as minimal funds were required at the County Certificate Sale. A local resident did contact Mayor Fisel, informing her of possible interest on her part. The City would like the option to bid on the property.

*Motion to allow the City to bid on the North Street property, staying within the available appropriation for land purchase, and allow Ken Shuman to bid on behalf of the City by: Gary Bishop*

*Seconded by: John Pettit*      *Vote: All Ayes*

## Claim Registers – APV # 34089 through 34176

*Motion to approve by: John Lutton      Seconded by: Gary Bishop*

*Vote: All Ayes*

## Comments by Members of Council and Administration

*City Engineer Rick Pharis:* Bids for the Pettit Park Pavilion will be opened at the BOW meeting on Wednesday, July 27, 2011 at 1:30. We are expecting at least two bids.

*Police Chief Bryan Shearer: Midyear report on code enforcement: January-June 2010 – 3 inquiries, January-June 2011 – 303 inquiries. Officer Alexander is taking the position seriously and the position is definitely a full time position.*

*Council member Gary Bishop:* Commented that the alley behind the Canton House restaurant needs attention. Mike Burdette will have the street department take care of the problem. Gary also praised the Police and Fire personnel for the hard work they do to keep the citizen's safe and alive.

**Mayor Patty Fisel:** The City received notification from IDEM of the air permit for the Legacy Cremation Center. IDEM reports to the City are available for review at City Hall. The Mayor has an open door policy. Feel free to contact the Mayor and/or Department Heads you have a problem as it is not necessary to wait until a Council meeting to bring your concerns forward. Mayor Fisel again thanked the Fire and Police personnel as well as the citizens. They make her proud to live in Ligonier, IN.

## Adjournment

*Motion by: John Lutton*

*Seconded by: Gary Bishop*