

**City of Auburn
Council Meeting Minutes
Monday, February 6, 2023**

The meeting was called to order at 7:00 PM by Mayor Berola with the reciting of the Pledge of Allegiance of all present.

Clerk Sponsler took roll. Present were Mayor Berola, Clerk Sponsler, Treasurer Williams, Alderman Garrett, Alderman Marquis, Alderman Sheppard, Alderman Powell, and Alderman Hemmerle.

Also present were Chief Campbell, Office Manager Wayde Rathgeber, Attorney Hedinger and Attorney Andrew Jarmer.

Alderman Karhliker, Alderman Johnson, Alderman Royer, and Superintendent Henson were not in attendance.

Mayor's Comments:

Mayor Berola appointed Ron Appelt to the Building Committee. A motion was made to appoint Ron Appelt to the Building Committee by Alderman Garrett, second by Alderman Marquis.

AYES: Garrett, Marquis, Sheppard, Powell, Hemmerle

NAYES: None

PRESENT: None

ABSENT: Karhliker, Johnson, Royer

Mayor Berola appointed Alderman Sheppard as the new Zoning and Planning Board Liaison. A motion was made to appoint Alderman Sheppard as the Zoning and Planning Board Liaison by Alderman Marquis, second by Alderman Powell.

AYES: Garrett, Marquis, Sheppard, Powell, Hemmerle

NAYES: None

PRESENT: None

ABSENT: Karhliker, Johnson, Royer

Mayor Berola appointed Alderman Marquis as the new Deputy Liquor Commissioner. A motion was made to appoint Alderman Marquis as the Deputy Liquor Commissioner by Alderman Powell, second by Alderman Sheppard.

AYES: Garrett, Sheppard, Powell, Hemmerle

NAYES: None

PRESENT: Marquis

ABSENT: Karhliker, Johnson, Royer

Visitor's Comments:

Greg Curtin was present at tonight's meeting. He is the owner of the new building being built on Route 4 on the way out of town. The business that is going in that building is C&A Tax Service. It is a tax prep business. He has a partner, Carolyn Abshire. They plan to be opened the last part of tax season. He wanted to come to the council to introduce himself and see if there were any questions for him. He also wanted to ask about any financial assistance the city could provide regarding the sewer line hookup. The cost was something he was not prepared for as the line was about 11-13 feet deep and the estimated cost will be about \$13,000. Alderman Powell mentioned that he had spoken with Superintendent Henson about the tap fees, fill, and asphalt patch and we could maybe help cover those fees.

City Clerk's Report:

Clerk Sponsler presented a mistake that was made in the September 19, 2022 minutes regarding the Oller property and fines that were incurred. Clerk Sponsler amended these minutes with the correct information and presented them to the council for their review and approval. A motion was made to approve the amended September 19, 2022 minutes by Alderman Powell, second by Alderman Marquis.

AYES: Garrett, Marquis, Powell, Hemmerle

NAYES: None

PRESENT: Sheppard

ABSENT: Karhliker, Johnson, Royer

Clerk Sponsler presented the January 17, 2023 meeting minutes for review and approval. Alderman Powell made a motion to approve the January 17, 2023 minutes, second by Alderman Sheppard.

AYES: Garrett, Marquis, Sheppard, Powell, Hemmerle

NAYES: None

PRESENT: None

ABSENT: Karhliker, Johnson, Royer

Treasurer's Report

Treasurer Williams presented the Bills List for January 13, 2023 through February 3, 2023 for review and approval. A motion was made to approve the Bills List for January 13, 2023 through February 3, 2023 by Alderman Marquis, second by Alderman Powell.

AYES: Marquis, Sheppard, Powell, Hemmerle

NAYES: Garrett

PRESENT: None

ABSENT: Karhliker, Johnson, Royer

Attorney Williams also presented the January 2023 Cash Report for review and approval. A motion was made to approve the January 2023 Cash Report by Alderman Powell, second by Alderman Marquis.

AYES: Marquis, Sheppard, Powell, Hemmerle

NAYES: Garrett

PRESENT: None

ABSENT: Karhliker, Johnson, Royer

Treasurer Williams presented the Budget Report for the February 6, 2023 meeting for review only.

Attorney's Report

Attorney Hedinger presented the first reading of Ordinance 1526-23 Authorizing the Springfield Plastics Pre-Annexation Agreement. The agreement has a 20-year life span. The city will obtain easements between the existing water main between the city and the location of Springfield Plastics. Once the easements are in place, construction can start, which will be at the expense of Springfield Plastics. As soon as the agreement is executed, the city will be entitled to its share of the sales tax revenue from Springfield Plastics. The agreement is to reimburse Springfield Plastics for construction costs using the sales tax revenue minus \$50,000 for the city until the costs are repaid. Include cost of water main to Springfield Plastics site, and also a pressure tank up to 400,000 gallons which will also be reimbursed through sales tax costs also. Alderman Hemmerle questioned when council agreed the reimbursement of the water tank. Mayor Berola reaffirmed that in order to move things along, we agreed to the reimbursement of the water tank and then after the agreement is over, the city maintains the water main, but not the pressure tank.

Attorney Hedinger will meet with Springfield Plastics to get the language finalized by making minor tweaks and the second reading of the Ordinance will take place at the February 21, 2023 meeting. Chuck Davis was in attendance, and he mentioned that the non-material things that need tweaked are things such as timelines.

Attorney Hedinger said that Ms. Wagner from Metro offered a performance bond and sent the information to the attorneys. They are in the process of finalizing the bond but said it would take too long. Ms. Wagner came up with an alternative solution which is where Metro gives the city a certified check in the amount of \$30,000 to be deposited in an account and held in escrow basically by the city to be used when needed to cover any repairs. This is only intended to cover the repairs after they are finished, not any big issues while they are working. This will be tabled until the next meeting with a final document. Alderman Powell mentioned that we need to have this done for all companies that come through Auburn for this type of work. Attorney Hedinger said he would look into the ordinance.

Auburn Public Schools property transfer. Everything is in place but not ready yet. Once they approve the deed, Attorney Hedinger will have an ordinance for the council.

We have had 4 or 5 FOIA requests that have been dealt with.

For the Pierce matter, there is a court date for February 22, 2023 to get a trial date for a final judgment. There is a lien on the property in the meantime. Water has been shut off at the property so any new owners at the property cannot inhabit the property until the debt has been settled, then the water can be turned back on.

There was a lien in place on 215 S. Fifth Street. The property has been sold and a check is on the way to the city in the amount of \$817.

Department Heads

Chief Campbell:

Chief Campbell updated the council on Jared Leake; he is currently in the 93% of his class. There was an issue with an instructor not showing up and this went against him and has slowed down the process.

Superintendent Henson:

Jim Morris was present. There were three invoices from Benton & Associates that need to be approved. Invoice #21247 in the amount of \$3,939.35, invoice #23265 in the amount of \$462.72, and invoice #21367 in the amount of \$2,708.90. A motion was made to approve the payment of these invoices by Alderman Sheppard, second by Alderman Powell.

AYES: Garrett, Marquis, Sheppard, Powell, Hemmerle

NAYES: None

PRESENT: None

ABSENT: Karhliker, Johnson, Royer

An invoice from Petersburg Plumbing and Excavating, LLC also needed approval. It is invoice PPE #11 in the amount of \$121,438.67. A motion to approve this invoice was made by Alderman Powell, second by Alderman Marquis.

AYES: Garrett, Marquis, Sheppard, Powell, Hemmerle

NAYES: None

PRESENT: None

ABSENT: Karhliker, Johnson, Royer

Petersburg Plumbing and Excavating, LLC Change Order #4 needed approved as well. A motion was made to approve Change Order #4 by Alderman Powell, second by Alderman Marquis.

AYES: Garrett, Marquis, Sheppard, Powell, Hemmerle
NAYES: None
PRESENT: None
ABSENT: Karhliker, Johnson, Royer

Office Manager Rathgeber:

Office Manager Rathgeber reported on the Redbud Park Property. The local buyer called him that afternoon and said there was a meeting with another financial institution, and he should be getting a letter of intent. Office Manager Rathgeber will update us at the next meeting.

Committee Reports

Administration:

Jason Jones from Eck, Shafer, and Punke was present to review the FY2022 Audit Draft. It was their first year serving the City of Auburn. The opinion of ESP is that the audit is fairly stated in all material respects in accordance with governmental accounting principles. This clean opinion is what lenders look for and that there is some accountability in the presentation of financial statements. Mr. Jones went over some details of the audit and offered assistance if any questions about audit preparations arise throughout the year. A motion was made by Alderman Powell to approve the FY 2022 Audit Draft, second by Alderman Marquis.

AYES: Garrett, Marquis, Sheppard, Powell, Hemmerle
NAYES: None
PRESENT: None
ABSENT: Karhliker, Johnson, Royer

Public Works:

Public Utilities:

Health & Safety:

Alderman Marquis said they met with Thayer on the 26th. Nothing had been decided yet, but they are still in communication and discussing numbers.

Health & Housing:

Parks:

No Report.

Economic Development:

Alderman Garrett told the council that we received an invoice from NextSite in the amount of \$2000. Alderman Garrett spoke with Charles, and he expressed the council's concern about being billed for this when there is little value in the charge. Charles mentioned that he is looking into a number of fast-food restaurants that have shown interested and that it could be a long process. Alderman Garrett asked for the opinion of the council on whether this service is necessary. Mayor Berola recommends that we end the agreement with NextSite. A motion was made to discontinue our agreement with NextSite by Alderman Garrett, second by Alderman Hemmerle.

AYES: Garrett, Marquis, Sheppard, Powell, Hemmerle
NAYES: None
PRESENT: None
ABSENT: Karhliker, Johnson, Royer

Regarding the Redbud Park property that is for sale, Alderman Garrett thinks that it is time to turn the property over to a realtor for the sale. He has been in contact with a realtor that would only charge 4% commission. He wanted to know if the council will allow the city to list the property for sale with a realtor if the local interest falls through. Alderman Marquis asked how we would pick the right realtor. Mayor Berola said the city should contact several realtors and bring the information back to the council and see what the council is comfortable with.

Regarding the Springfield Plastics Pre-Annexation Agreement, Alderman Garrett read the portion of the 12/5/22 meeting minutes that pertained the Pre-Annexation Agreement regarding questions that Alderman Hemmerle and Alderman Powell had.

Building Committee:

Alderman Garrett has asked the construction companies to come back with prices for the proposed projects at the meeting on February 21, 2023 at 6 pm.

Adjournment

Alderman Garrett made a motion to adjourn at 8:48 pm, second by Alderman Marquis. A voice vote was taken.

AYES: Garrett, Marquis, Sheppard, Powell, Hemmerle
NAYES: None
PRESENT: None
ABSENT: Karhliker, Johnson, Royer

