

**MINUTES OF THE REGULAR MEETING  
COMMON COUNCIL  
May 8, 2017**

The Common Council of the City of Rensselaer met on May 8, 2017 in regular session in Council Chambers of City Hall. Mayor Stephen Wood called the meeting to order at 6:00 p.m. followed by invocation offered by Rev. Kenin Smith with the Hope Community Church and the Pledge of Allegiance.

Answering roll call were: Mayor Stephen Wood; Clerk-Treasurer Frieda Bretzinger; Council Members Scott Barton, Bill Hollerman, Rick Odle, George Cover, Ernest Watson, Jr; City Attorney Mike Riley; Cemetery Supt. Kevin Cochran; Park Supt. Joe Effinger; Fire Chief and Building Commissioner Kenny Haun; Police Chief Jeff Phillips; Gas Supt. Carol Lockridge; Electric Manager of Operations Steve Miller; Street Supt. Andy Daniels; Project Coordinator Jerry Lockridge; Nick Fiala with the Rensselaer Republican. Utility Office Manager Heather Smart; Electric Lead Line Foreman Lenny Larson and Electric Plant Supt. Claude Grow were absent.

Also in attendance were: Robert Schenk with Rensselaer Adventures; Rev. Kenin Smith with the Hope Community Church; Robert Walker with SME; Brook Kurtz with the Prairie Arts Council, Judy Kanne with the Historical Preservation Association of Jasper County, Kevin Kelly with JCEDO, David Del Principe with Del Principe and Allie.

The minutes of the April 24, 2017 council meeting were presented. There was a motion by Barton, second by Odle, to approve the minutes as presented. The motion passed unanimously.

**Citizen Comments:** Brook Kurtz representing the Prairie Arts Council asked that the Rock the Arts Festival event be held in Potawatomi Park. It will be July 29, 2017. There was a motion by Cover, second by Odle, to approve the request. The motion passed unanimously. Judy Kanne with the Historical Preservation Association of Jasper County said May is National Historical Preservation Month. They are wanting five new additions for 2017. They are the Monnett School (1925), the Old Well House #1 (1935), Union Township School, Parr (1916), Henry Barkley Farm (1840) and Saint Joseph's College (1889). Wood said the Monnett School is for sale and the city has received an offer to purchase. Kanne said she will contact Wood before they publish the report to see if it sold.

**Ordinance 08-2017, Advance Payment of Invoices:** This ordinance is to repeal and replace Ordinance 04-01 to include advance payment of credit card bills. There was a motion by Hollerman, second by Watson, to pass Ordinance 08-2017 as presented. The motion passed unanimously.

**Resolution 12-2017, Transfer of Funds:** Bretzinger said this resolution is to transfer \$500.00 within the Police Department, \$2,000.00 within the Sanitation Department for a General Fund total of \$2,500.00, \$106,316.19 within the Economic Development Income Tax Fund and \$90,000.00 within the Public Safety LOIT Fund. There was a motion by Cover, second by Hollerman, to approve Resolution 12-2017 as presented. The motion passed by majority, with Barton opposing the motion.

**Resolution 13-2017, Gas Tracker:** Carol Lockridge said the gas tracker reflected a \$.14 decrease per 100 cubic feet. There was a motion by Hollerman, second by Odle, to approve the resolution. The motion passed unanimously.

**Resolution 14-2017, Authorizing Mayor to Sign Deed:** This resolution is to authorize the mayor to sign the warranty deed. There was a motion by Cover, second by Hollerman, to approve Resolution 14-2017 as presented. The motion passed unanimously.

**INDOT Property Discussion:** Robert Walker with SME is working for KIRPC who received a US EPA Brownfield Assessment Grant to patrol hazardous material sites. One of the projects they have been working on is the former INDOT Rensselaer Sub-District land. He's here to provide the conditions of the site and some of the restricted uses of the site by the State of Indiana. There were three underground tanks and dispenser areas and there was significant release associated with them. INDOT removed about 3,700 tons of contaminated soil and the contaminants are petroleum hydrocarbon fuel, diesel fuel and gasoline as well as about 45,000 gallons of contaminated groundwater. Currently the site has been given a status of "No Further Action" by the State of Indiana with an environmental restrictive covenant placed on the property. What that means is that the State of Indiana does not deem the site to be a significant risk to human health or the environment. However there are some residual contaminants on the property that would restrict the use of it. The restrictions are that the property cannot be used for residential land or any kind of daily care service or provider such as schools or elderly care, these would not be an acceptable use. Wood asked about a park. Walker said a park would be a perfectly good use

for it. The contamination of the property is really isolated localized to the near-middle portion of the property and at the depth of twelve to fourteen feet so it's not something that you'd come in contact with. The restrictions are placed on the deed through an agreement between INDOT and IDEM but can be modified with additional work that the conditions have changed and they do not pose a risk so can't use it for residential use or day care, drinking water or water supply well of any kind, no agriculture use. Probably the only one that would come into effect with the city acquiring the property is that there are a couple of locations on the property that are considered "Areas of Concern" that if you are going to construct on this property and dig four feet down you will have to submit a plan to the state thirty days ahead of time so that they can review and approve the plan. They will tell you how you will screen those soils to verify if they're contaminated or not and if they are, how they will be managed. Walker said most likely they will be hauled off site, most likely to a landfill. You cannot construct subsurface basements. If there's a change in zoning, we must notify IDEM of that change. He developed a few next steps if the city acquired this property. Do a Phase 1 Site Assessment before the city acquires the property. That process will provide you with bona fide perspective purchaser protections that will provide us with protections in case there's found to be contaminants. He said there was a Phase 1 already done but was done in November and expired on or before April 1<sup>st</sup>. The second thing is to have SME do it and they would be compensated through the KIRPC grant. Phase 1 has to be attached to the submittal to the State of Indiana Brownfields Program. They will review them and provide a "Comfort Letter" which outlines the protections we have and reiterate the restrictions on the property. That process takes from one hundred and twenty to one hundred and fifty days. Obtaining a property that is contaminated also has a continuing obligation. We aren't responsible for cleaning up the property but we are responsible for a third party contamination. We have to make sure we don't do anything to cause it to migrate off-site. Something we might want to do is have INDOT monitor the contamination and make sure the contamination is not migrating off the property prior to property transfer. It could be done with some groundwater sampling. There are some wells on the property. Have INDOT analyze samples in a lab. There was an investigation done in February and that sampling showed the contamination is localized to the center of the property and there were no contaminants around the perimeter of the property. His recommendation would be that upon acquiring the property to have no fuel storage or fuel transfer because the contamination that's there is related to that exercise and you don't want to confuse the two. The previous owner can say that we caused the contamination because of our activities so if we don't include these activities INDOT will always be the responsible party. Odle asked if a limited Phase 2 is just boring holes and taking samples and that's how they determine the contamination hasn't migrated. Walker said Phase 2 simply implies that holes have been drilled in the subsurface, samples have been collected and analyzed. The only concern was found in a USD pit that contained elevated levels of benzene in the soil and groundwater. He said the term limited in Phase 2 just means it was not an exhaustive study. Bretzinger asked how a park is allowed but a school isn't. Walker said there can be vapor migration into a building and they want to restrict that. And it's more of a day care restriction than a school and he may have misspoken about a school being permitted. Barton asked why the state didn't remove all of the contamination. Walker said this was INDOT and they removed 3,700 tons of soil short of digging it up from property line to property line, it's in the groundwater and where ever that groundwater moves it will transfer some of the contaminants in the groundwater back to the soil. They believe they dug up all of the contaminated soil that was above the water table. Barton said the contamination is already in the water so it's going to migrate out to the other properties. Walker said it's not migrating off. That's what the investigations have demonstrated. Wood said they have monitoring wells all around. Watson asked if there were digging if it would cause migration. Walker said the concern with digging is that someone would come in contact with the contamination. Wood said he wouldn't have a problem taking this property over as long as its use was restricted. Barton asked if INDOT made a proposal to us. Is it free? Wood said they first said they were going to relinquish it. Then they said they were going to have it appraised. Walker said INDOT clearly wants to get rid of this property. Barton asked who is financially responsible if something happens. Riley said the City of Rensselaer would be and if it were he, he wouldn't take it. Barton said it sounded like a legal mess in the future and to prove that we didn't do it. Riley said why would you want that kind of problem if you don't have a use for it. If you want to park vehicles on it then that would be fine but not a park. Cover said the liability may not be worth the land because if you ever have an environmental problem it will be costly. Walker said that is why you do a Phase 1 because it provides protections but the state will look at the current owner first. Odle said the monitoring of the test wells should show if the contaminants are migrating. Barton said if it gets to that point then who is financially responsible. Walker said INDOT is because the city has done its due diligence, you've got your bona fide purchaser protections and INDOT is responsible for the contamination of the property and the city's responsible because as the current owner you let the contamination migrate off the property. Barton asked how often it has to be tested. Walker said it's not a requirement. Odle said the wells are there and they can be tested. Barton asked who does the testing. Walker said he would put in the purchase agreement that INDOT comes back once a year and sample the well water. Odle said he talked to our insurance agent to find out about insurance. Pickering said it shouldn't be that costly but his underwriters will

want to see Phase 1 and Phase 2. Cover said we're not interested if they want to sell it. Watson asked Lockridge if this property was what he was looking at for storage of stone, sand and vehicle parking and Lockridge said it was. There was a motion Watson, second by Odle, to get another INDOT Phase 1 study to meet standards if INDOT or KIRPC will pay for the study. The motion passed unanimously.

**Tax Abatement Compliance Forms:** The Tax Abatement Committee met on May 3, 2017 and reviewed the compliance forms from local industries. The committee recommended council approval of the following tax abatement compliance forms:

- ConAgra Foods CF1-Real Property CON RE-2007-01-22-05
- ConAgra Foods CF1-Real Property CON RE-2014-07-14-10
- ConAgra Foods CF1-Personal Property CON-PP-2011-08-10
- ConAgra Foods CF1-Personal Property CON-PP-2014-07-10
- Donaldson Company CF1-Real Property-DON-RE-2005-04-10
- American Melt Blown & Filtration CF1-Personal Property-AMB-PP-2012-01-05
- Genova Products CF1-Personal Property-GEN-PP-2009-01-10
- IMPA CF1-Personal Property-IM-PP-2014-01-10
- National Gypsum CF1-Personal Property-NGC 10-PP-02-16
- National Gypsum CF1-Real Property-NCG-10-RE-01-16

There was a motion by Cover, second by Barton, to approve all CF-1 Forms as recommended by the committee. The motion passed unanimously.

**Public Relations Fund Request:** Bretzinger asked council for permission to spend up to \$75.00 for flowers for the mother of one of her employees who passed away last week. There was a motion by Hollerman, second by Barton, to approve the request. The motion passed unanimously. Wood requested \$500.00 from the Public Relations Fund to donate for the Traveling Viet Nam War Memorial Wall to be brought to Rensselaer in 2018. There was a motion by Barton, second by Odle, to donate the \$500.00. The motion passed unanimously.

**School Board Member Applications:** Cover announced we have three school board member applicants. They are Rich Ludington, Kristina Phillips and Kevin Geleott. He would like to set up interviews. A meeting was set for Thursday, May 18<sup>th</sup> at 6:00 p.m.

**Hoosier State Line:** We received a line item in the state budget for \$3M good for two years. Barton asked if we don't need to subsidize the line. Wood said he didn't know but figured there was still going to be some sort of donation. Barton said in the mayor's letter they are profitable so why are we still going to subsidize them. Wood said they're not profitable but they are making some money but the state is subsidizing them. Barton said all of these communities have been giving money so they will stop. Wood said the state is going to budget \$3M which is 80% of what is needed but they need more money than that to run. Cover said the city is lucky to have the train stop here considering how small we are. Barton said with the closing of St. Joseph's College the ridership will drop.

**Committee Reports:** There were none.

**Administrative Comments:**

**Barton** thanked the city workers for clean-up week. He asked about the Owen Street sewage and Washington Street sewage. Wood said he's been talking to Lockridge and will need to set priorities and we have an obligation. He said a preliminary figure was \$1,000,000 for Owen Street alone. He said they've talked about pumps and grinders. He said it's a little exorbitant for nineteen homes but they're going to try to do something within the year. Barton said his concern is with the Washington Street homes and they're right by the high rate treatment plant. Water is being tested there and those homes are dumping raw sewage in the river. Lockridge said the water testing is done right at the site, not the river.

**Bretzinger** had nothing.

**Cover** told Daniels they did a great job on clean up week.

**Hollerman** said the city employees did a great job on clean-up week.

**Odle** said he's just about finished with the credit card application. He said he needs the last two years of audited statements. Bretzinger said our last audit was for 2012. Odle said he needed reports for the last two years. Bretzinger asked if the annual report was fine and Odle said yes. He also needs corporation papers. Bretzinger said she didn't have them unless the mayor did. Wood said he didn't have them. Bretzinger asked if he had the ordinance. There was supposed to be a change from Board of Works to City Council so she doesn't have a signed ordinance. Odle said Monica has it on her computer so she can make the change. Riley said everyone knows the city is incorporated; we just don't have the papers. He can call the Secretary of State's Office tomorrow.

**Watson** had nothing.

Wood had nothing.

**Claims Approval:** The claims were presented for payment. There was a motion by Barton, second by Hollerman, to approve the claims. The motion passed unanimously.

**Superintendents Reports:**

**Building Dept.:** Haun reminded council that the Board of Zoning Appeals will meet tomorrow night at 7:00 p.m.

**Cemetery Dept.:** Cochran had nothing.

**Electric Dept.:** Miller had a quote update for the switchgear for the Watt Substation. He would like to add another \$1,540.00 for additional grounding. There was a motion by Hollerman, second by Odle, to approve the upgrade. The motion passed unanimously.

**Fire Dept.:** Haun had nothing.

**Gas Dept.:** Carol Lockridge thanked everyone for coming to the open house.

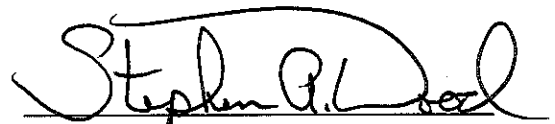
**Legal Dept.:** Riley had nothing.

**Park Dept.:** Effinger had nothing.

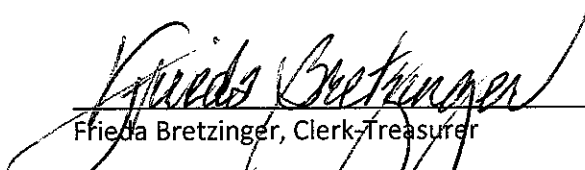
**Police Dept.:** Phillips had nothing.

**Street, Sanitation, Sewage and Water Dept.:** Daniels thanked council for its kind comments on cleanup week. Lockridge said the H RTP has been operational for two weeks and it is 97% complete. Lincoln Street was supposed to be opened today. The Grace Street project is scheduled to start putting surface down tomorrow, weather permitting. Barton said a truck dropped a bunch of asphalt at the corner of Melville and Grace. It's like a wash board. Lockridge said they'll take a look at it and see if there's something they can do.

There being nothing more to come before council, there was a motion by Cover, second by Odle, to adjourn. The motion passed unanimously and the meeting was adjourned at 7:15 p.m.

  
Stephen A. Wood, Mayor

Attest:

  
Frieda Bretzinger, Clerk-Treasurer