

Minutes of the Delaware City Council Meeting
Saturday, May 13, 2023

Mayor Fishler called the meeting to order at 8:00am.

Roll call of members present: Larry Tibbott, Kevin Clark, Barb Ries, Rick Lahr. Absent: None.
Also present: Sheriff Deputy Brian Hillebrand, Bev McAreavy, John & Rose Hadley, Al Palmersheim.

Delaware County Sheriff – Noise Concerns

Mayor Fishler introduced Deputy Sheriff Brian Hillebrand who was present to discuss recent noise concerns in Delaware. The Council discussed with Deputy Hillebrand the Sheriff Department's feedback on the noise complaints their office had received over the past month. The Council also reviewed information from the City Attorney on the City Code sections regarding noise in response to the feedback from the Sheriff's Department. Items discussed included the noise level, the length of time operated, the equipment, and the neighbor's dispute. Mayor Fishler and the Council asked the neighbors to try to work together and be considerate of each other. Deputy Hillebrand asked that the motorbike owners make sure they have the proper equipment installed on them.

Building Permit Applications/Livestock Applications

Motion by Clark, seconded by Ries to approve the livestock permit application and building permit application for Bev McAreavy at 401 7th Street. Motion carried, all ayes.

Motion by Ries, seconded by Tibbott to approve the building permit application for Kevin Ostrander at 131 West Washington Street. Motion carried, all ayes.

Motion by Ries, seconded by Lahr to approve the building permit application for Larry Tibbott at 201 4th Street. On call of roll: Ayes: Ries, Lahr, Clark. Nays: None. Abstentions: Tibbott (abstained as it was his application). Motion carried.

The Council reviewed the building permit application from John and Rose Hadley for the addition to the property under construction at 300 East Jefferson Street, as well as renewal of the existing building permit. The Council discussed with Hadley's drainage concerns and setback requirements. Motion by Lahr, seconded by Clark to approve the building permit application for John and Rose Hadley at 300 East Jefferson Street. Motion carried, all ayes.

Motion by Lahr, seconded by Tibbott to approve the livestock permit application of Tom Schirmer for 300 Harrison Street and 117 Virginia Street. Motion carried, all ayes.

John Hadley, 300 East Jefferson Street, asked if shooting fireworks in City limits was allowed. City Clerk Learn noted that state code and city code restrict the timeframe it would be allowed as well as put other limitations on the use of certain fireworks. Mayor Fishler advised that he should request permission from the City Council prior to doing so depending on the type of fireworks.

John Hadley also addressed the Council regarding the letter his son received about the nuisances at his property at 200 East Jefferson Street. His son is going to have the shed fixed up on the outside, so it is no longer an eyesore.

John Hadley also requested permission to burn his construction waste pile at 300 East Jefferson Street. Hadley stated he would wait until the wind is blowing away from town and would notify the fire department, and that he would also pull all the garbage and plastic out of the pile. Motion by Lahr, seconded by Ries to approve the burning of the construction waste pile at 300 East Jefferson Street as long as it is only wood that is burnt and done when the wind is blowing away from town. Motion carried, all ayes.

Alan Palmersheim, 310 West Washington Street, addressed the Council requesting permission to replace the fence on his property. Palmersheim informed the Council that he'd had his property surveyed and the pins identified so he knows where his property lines are located. Motion by Lahr, seconded by Clark to approve the fence permit application for Alan Palmersheim for 310 West Washington Street and to allow the fence to cross the undeveloped City street with the understanding if the city must move it or it is damaged that it is not the City's responsibility. Motion carried, all ayes.

City Council Vacancy

Motion by Lahr, seconded by Tibbott to acknowledge receipt of the resignation letter from Burton Davis resigning from the City Council effective April 24, 2023. Motion carried, all ayes. Motion by Ries, seconded by Clark to fill the City Council vacancy by appointment at the June 10, 2023 City Council meeting. Motion carried, all ayes.

City Generator Repair

The Council reviewed an estimate from Altorfer to repair the radiator on the generator. The Council requested an updated quote from 3E to compare. The Council will review at the next meeting.

Approval of Cigarette Permit & Liquor License Renewal for Gary's Liquor & Wine

Motion by Lahr, seconded by Ries to approve the renewal of the Cigarette Permit and Off Premise Liquor License for Gary's Liquor & Wine. Motion carried, all ayes.

Ordinance Amending Title IV Chapter 1 "Animal Control" of the Delaware City Code by Amending Provisions Pertaining to Dog Licenses

Motion by Ries, seconded by Tibbott to approve the first consideration and adoption of Ordinance Amending Title IV Chapter 1 "Animal Control" of the Delaware City Code by Amending Provisions Pertaining to Dog Licenses which changes dog licensing to every other year on even numbered years. Motion carried, all ayes.

Department Reports

Fire/Civil Defense: The annual Father's Day breakfast will be June 18, 2023. The Department is working on grants to replace bunker gear and to purchase electric jaws of life.

Streets: The estimate to seal coat Adams Street from 6th-7th Street is \$5,460.85, so the city will patch the street this year and look at it again next year. The State hasn't been in yet to close the Highway 38/Main Street intersection. The State also needs to fix the radius of Highway 38/Washington Street. The Council discussed the parking of the semi-trailers on the street right of way behind 200 East Jefferson Street with John Hadley. Hadley noted all the other items on undeveloped street right of way in town, and he commented that his trailers are all licensed and that he was going to be getting rid of some. Street patching work will be done in the next few weeks. The County will be working on the curve of West Washington Street by City limits and widening the road in that area.

Park: The City received a \$4,000 grant from the Foundation for the Future of Delaware of County and is waiting to hear on other grants. Council Member Ries will be contacting Precision Collision to see if they could paint the merry go round. The committee will work to publicize the project again now that grant money has been received to see if can do additional fundraising.

Water: Nitrate sampling was done. A letter was sent to property owners around the wellhead as recommended by the IDNR regarding what chemicals could be applied to the land.

Sewer: The weeds need to be sprayed around the lagoons as they are starting to grow. Dean Hendricks plans to start discharging this month. Sheep will be placed at the lagoons soon to keep the grass down. The Council discussed raising additional sewer manholes this summer.

Other Business

Mayor Fishler informed the Council that Roger Mohn had surveyed the small sections of land on West Washington Street, and the County was preparing a quit claim deed for the small parcel of land they own in the city.

Standing Business

Motion by Lahr, seconded by Ries to approve the following Standing Business items: minutes of the April 8, 2023 City Council meeting; payment of the bills; Delaware County Sheriff's Office April 2023 Report; and April 2023 Revenue and Expense Report. Motion carried, all ayes.

Motion by Ries, seconded by Tibbott that the meeting adjourn at 10:07am. Motion carried, all ayes.

Erin Learn, City Clerk