

October 10, 2016

The Ellettsville, Indiana, Town Council met for a regular meeting on Monday, October 10, 2016, at the Fire Department Training and Conference Room. Scott Oldham called the meeting to order at 6:30 p.m. Dianna S. Bastin led the Pledge of Allegiance followed with a prayer by Kevin Farris.

Roll Call: Members present were Scott Oldham, President; Dianna S. Bastin, Vice President; Kevin Farris and Brian Mobley. Scott Thomas was absent. Sandra Hash, Clerk-Treasurer; and Darla Brown, Town Attorney; Rick Coppock, Bynum Fanyo and Associates, Town Engineer; and Jim Davis, Town Manager; were also present.

Supervisors present were: Mike Cornman, Danny Stalcup, Jimmie Durnil, Kevin Tolloty and Mike Farmer.

Approval of Minutes

Scott Oldham entertained a motion for approval of the minutes for the regular meeting on September 26, 2016, and the meeting of the Monroe County Income Tax Council on September 27, 2016. Dianna S. Bastin so moved. Kevin Farris seconded. Motion carried.

Accounts Payable Vouchers

Scott Oldham entertained a motion for action to pay Accounts Payable Vouchers. Brian Mobley had questions on claims which were answered by the supervisor. Dianna S. Bastin so moved. Kevin Farris seconded. Motion carried.

Award of the Dump Truck Bid – Street Department

Danny Stalcup, Street Commissioner, received two bids from Rush Trucks and Sternberg for a dump truck. Sternberg's bid is \$1,000 more but Rush Trucks in Indianapolis didn't include Dana axles as listed in the specifications.

Scott Oldham stated it doesn't meet bid specifications so it is not the truck they should purchase. Ms. Bastin added \$1,000 is a lot of money but it is a piece of equipment they're going to have for years, they need to be comfortable in it and it is what they need for the job.

Darla Brown, Town Attorney, asked how they did not meet the specifications. Mr. Stalcup replied they asked for a particular brand of front and rear axles and they listed another brand they don't have on any of their vehicles. Ms. Brown advised it is okay to accept the other bid.

Scott Oldham entertained a motion to approve the bid for the International Dump Truck for \$125,419.54. Dianna S. Bastin made a motion to approve the bid for the International Dump Truck for \$125,419.54. Brian Mobley seconded.

Scott Oldham asked where the money is coming from to pay for the dump truck. Ms. Hash answered the Street Department has money to put down and will get a loan from Peoples State Bank. The loan will not be secured until the truck is closer to completion which may be March 2017.

A roll call vote was taken on the aforementioned motion: Scott Oldham – yes; Dianna S. Bastin – yes; Kevin Farris – yes and Brian Mobley – yes. Motion carried 4-0.

Scott Oldham asked Mr. Stalcup if he will have to purchase dump trucks in the future. Mr. Stalcup answered two 1999 dump trucks will have to be replaced as soon as they pay off this truck. Ms. Hash noted there is approximately a \$26,000 increase from the last time they purchased a truck.

Sealed Bids on the Fire Tanker Truck and the Utility Dump Truck

Darla Brown, Town Attorney, opened the bids as follows:

- Mike Stalcup: \$755 for the surplus tanker truck.
- Bland's: \$1,119.99 for the 1986 International Cargo Star with mounted water tank and \$2,126.99 for the 1995 Ford Triaxle Dump Truck.

- Brandon Wright: \$800 for the 1995 Ford Triaxle Dump Truck.
- Mike Stalcup: \$1,000 for the surplus 1995 Dump Truck.

Scott Oldham entertained a motion to accept the bid from Bland's for the tanker truck and the dump truck. Dianna S. Bastin made a motion to accept the bid from Bland's for the tanker truck and the dump truck. Brian Mobley seconded. Roll call vote: Dianna S. Bastin – yes; Kevin Farris – yes; Brian Mobley – yes; and Scott Oldham – yes. Motion carried 4-0.

Resolutions

Resolution 23-2016 to Authorize the Town Council President to Execute Closing Documents on Behalf of the Town of Ellettsville

Darla Brown, Town Attorney, explained this resolution pertains to the easements for the secondary waterline and authorizes the President to sign closing documents.

Scott Oldham entertained a motion to approve Resolution 23-2016 to Authorize Town Council President Brian Scott Oldham to sign the documents on behalf of the Town of Ellettsville. Dianna S. Bastin made a motion to approve Resolution 23-2016 to Authorize Town Council President Brian Scott Oldham to sign the documents on behalf of the Town of Ellettsville. Kevin Farris seconded. Roll call vote: Brian Mobley – yes; Kevin Farris – yes; Dianna S. Bastin – yes; and Scott Oldham – yes. Motion carried 4-0.

Second Reading

Resolution 21-2016 to Vote in Favor of a Monroe County Local Income Tax Council (“Tax Council”) Ordinance Imposing a Local Income Tax (“LIT”) Rate for Public Safety and Casting the Town of Ellettsville’s Five Votes in Favor of the Ordinance

Darla Brown, Town Attorney, explained this is a follow-up to the Tax Council meeting that took place at the end of September 2016. This is the second reading for the Town. Mr. Farris asked when the initial vote was taken. Ms. Brown answered in May 2016. Mr. Farris initially understood the tax was to be used for public safety. Recently, he learned members of the Tax Council could allocate a portion of the .25% for economic development. If that would have been in the initial vote he would have asked to table it until it was explained how the tax would be used. It got rushed through and he is not comfortable how it was handled. Ms. Brown clarified part of the reason for the timing was to get it in place so it would kick-in as of January 1, 2017. Mr. Farris understands but at that point in time 100% of the .25% had to be used for public safety and could not be used for anything else. He just learned members of the Tax Council decide how to allocate the 25% and whether or not it can be used for public safety. None of it has to be used for public safety and it can all be used for economic development. In 2017, it is to be used for public safety but it is a revolving tax. Mr. Davis commented there will always be an amount for Central Dispatch. Mr. Farris stated that amount is 29%. Mr. Oldham explained they phased out one law while bringing in a new one and they broadened its scope. Mr. Farris understands but being a revolving tax the complexion of every council changes. Whatever they voted on initially can go to the wayside until finally it becomes a slush fund that can be used for anything excluding public safety. It doesn't state 29% after next year has to be used for public safety. Mr. Oldham commented it can either be used for public safety or economic development both of which are broad terms. Ms. Brown explained part of the issue was municipalities had an option to impose a county option income tax and as of July 1, 2016, a new statute changed it to a local income tax. In the combined meeting the Local Option Income Tax (“LOIT”) would have originated with the City of Bloomington because they had the controlling vote. Mr. Farris thinks there is an inherent danger in rushing and the definition changes once it is perpetuated. It is not what they voted on. He didn't understand the second law differed from the first and that it revolved. Common sense dictates it has to be funded every year. He was under the assumption it was a one year tax. Ms. Brown stated for 2017 there is no percentage set aside for economic development. Mr. Farris asked how it can change in 2018. Ms. Brown answered the Tax Council has to meet, pass a new

ordinance and determine a new allocation. Mr. Farris asked if it has nothing to do with the .25% because it will remain the same from this point forward. Mr. Oldham replied as he understands it they will meet as a unit once per year and consider recommendations as individual units up to and including not reauthorizing the tax. If it got to the point the tax got out of control it could be repealed. Mr. Farris asked if 29% of the .25% always has to be used for dispatch. Ms. Brown answered that is her understanding. Mr. Oldham disagreed because the percentage could be changed by the Tax Council. The original law could've become a slush fund. It is all dependent on the trust each of the councils have in each other to do what was intended with the allocated funds. This is not to take the place of current funding for public safety but it will enhance public safety for the entire county. Ms. Hash thinks it is in the best interest of the City of Bloomington to continue using the new tax to fund 911. In the past they were putting in \$2 million and the county put in \$800,000. Those are monies being saved by those two entities because it will be paid out of the new tax. They've got a vested interest in continuing to use it for the dispatch center. Ms. Brown added she couldn't find another governmental entity who had a tax council in place to find out how it worked.

Scott Oldham thinks Indianapolis/Marion County is a good example. They have a public safety tax in place but it is one governmental body. This Tax Council is comprised of four governmental bodies: Ellettsville, Stinesville, City of Bloomington and Monroe County which was set by law. Mr. Farris thinks future participants in the Tax Council would understand it was intended for public safety for the first time in the history of Indiana. The state legislature is giving authority to the counties to pass their own tax to be used for public safety. There will be new council members and the tax will still be there unless it is repealed. It was to be used for public safety which is not the case and not what he voted on. He agrees with Shelly Yoder who voted against the LOIT and said it is "ill defined". Ms. Brown agreed in that it is different than what was passed in the summer. Mr. Oldham asked if there is a non-binding resolution they could circulate to other councils with the assurance this would continue to be used for public safety. Ms. Brown would have to review the LIT statute and any such resolution would be non-binding. The procedure for changing the allocation is set out in the LIT statute. Mr. Farris asked how the members of the tax council came up with the allocation. Mr. Oldham replied it is allocated by law and dispatch comes off the top. It was 30% but by agreement with the City of Bloomington and the Tax Council it was reduced to 29% because there was more money. Each of the townships or fire departments who aren't covered by the four councils made requests for certain things such as more educational materials. Washington Township wanted \$50,000 to purchase property to build a fire station. The Tax Council was leery about funding necessary personnel because it is continual. Richland Township will receive funding to keep Station 8 open because of a shortfall. It came down to who had a need that would impact the county as a whole and it was broke down to where they can put funds to make a difference in the first year. Mr. Farris asked if this applied to law enforcement. Mr. Oldham answered no, law enforcement is controlled by individual councils. Mr. Farris asked how it was decided what the four members of the tax council would receive. Mr. Oldham replied the state assumes the four members of the Tax Council will be the recipients of 100% of the tax. Mr. Farris noted it is a 100% of 71%. Mr. Oldham said that is correct and it is divided per capita. Mr. Oldham stated Bloomington will receive the biggest share because of their population. Students living on the Indiana University campus are not included. Ms. Hash clarified if a student works here they will pay income tax and Indiana University is exempt from property tax. Mr. Oldham added Indiana University will not receive any funds from the LOIT because they are a state agency. Townships will not receive funds unless there has been an agreement worked out by the tax council.

Kevin Farris asked if the Town Council votes no does it affect anything. Ms. Brown answered it would be recorded by the auditor as a no vote but the county and Bloomington have enough votes that it passed. The statute requires once an entity proposes an ordinance it is to be passed to the other entities for their vote. Mr. Oldham opined this is not the fault of the Tax Council but how the state structured it. Ms. Hash mentioned the LOIT came into effect the same time as the circuit breakers. This was the option they gave to local entities to help recoup some of the losses but it was always designated for public safety. The county didn't act on it until this year and then everything started to change. Mr. Oldham noted public safety in the county is spread thin but it has exemplary emergency

services. Now, infrastructure is beginning to crumble and the county is beginning to expand because of I-69 coming through. He hasn't spoken with anyone who intends this to be for anything but public safety.

Brian Mobley agrees with Mr. Farris in that there are too many loopholes. It is a moot point because it has passed. His concern is the township because they couldn't honor the fire contract and the Town has to use its funds to pay it. The township is going to build a new building. The Town will receive \$139,000. The county is going to hire five deputies in 2017 which is great but Ellettsville has to pay for an officer not budgeted for in 2016. The Town isn't putting anybody on the street and still has officers by themselves on third and second shifts because they don't have the money to make it safer for them. Ellettsville didn't gain anything but for dispatch, the county and Bloomington it is great. Ellettsville is catching up, paying for a police officer who wasn't funded and paying for a fire contract. They're still short a full time firefighter and the police department needs three more officers. Mr. Farris advised initially when it was proposed he saw the need and others said instead of the tax find the money out of existing funds. However, there is not existing money to fund the other things and this is why he voted for it. The public should keep a watchful eye on this and watch what their public officials do in the future concerning the .25% because everyone was under the assumption it was going to be used for public safety. There is the possibility it can be used for whatever they want.

Dianna S. Bastin hopes this money will never be used for economic development. She agrees citizens should watch their elected officials in the future. She support the public safety tax but not for her as she is a dispatcher. She answers the telephones and instructs emergency personnel on where to go and they are stretched thin. She is very proud of them but they need the money. The more equipment they get the more they're trained. As more people move into Town it is not getting any easier. Officers go back and forth to Ellettsville so our officers have backup. It is not getting any better. She is behind the tax.

Scott Oldham stated there are people who want more trails, parks, flood control, etc., and all equally needed but at the end of the day it comes down to can they keep their community safe, provide emergency medical care, law enforcement and fire. They can't keep going at the same level and expect new things to pop up because they don't. Nobody likes the tax, no one wants to add to it but how will they pay it. There is no way, even without this tax money, that Ellettsville would allow Station 8 to close. This tax is an option for them not to close Station 8. Their responsibility is to the people of Ellettsville, Richland Township and the county as a whole because none of the emergency services stay in one location and they go back and forth. It has to be capable, manned and equipped and this is what this tax does. He is also concerned about how this tax can be diverted into different slush funds years down the road. He doesn't see any other choice at this time.

Dianna S. Bastin thinks the public would be surprised as to how lines are blurred for law enforcement. It is not unusual to send Bloomington Police Department to Ellettsville or Monroe County into Bloomington. They've reached a point where they all work together to get the job done and it has become a common practice.

Scott Oldham entertained a motion to approve Resolution 21-2016 to vote in favor a Monroe County Local Income Tax Council Ordinance imposing a local income tax rate for Public Safety and casting the Town of Ellettsville's five votes in favor of the Ordinance. Dianna S. Bastin made a motion to approve Resolution 21-2016 to vote in favor a Monroe County Local Income Tax Council Ordinance imposing a local income tax rate for Public Safety and casting the Town of Ellettsville's five votes in favor of the Ordinance. Kevin Farris seconded. Roll call vote: Scott Oldham – yes; Dianna S. Bastin – yes; Kevin Farris – yes; and Brian Mobley – no. Motion carried 3-1.

Old Business

Flood Update

Rick Coppock, Bynum Fanyo and Associates, met with the Street Department and looked at a couple of areas. One area was the sidewalk project on Sales Street estimated to cost

\$6,000 to \$7,000. It would raise the curb line approximately 4” across the front of 109 S. Sales Street to the entrance. They’re concerned about matching up the sidewalk with the building to not create a pocket. The McNeely Road/Matthews Road area will cost approximately \$2,000 to clean the pipe, install another pipe and rework the area. They’ll create a sediment basin on the outlet end of the pipe that comes out along Matthews Road and collects the gravel. They’ll clean it out every so often. There’s no way to stop gravel from going into the drainage system. Mr. Farris asked why they couldn’t put in a collector box across the driveway. Mr. Coppock answered what they have proposed will be cheaper and easier than putting in a collector box. Mr. Farris asked how long the driveway is. Mr. Coppock replied it is 25’ to 30’ wide.

Rick Coppock continued. They looked at the bridge and there is a sand bar that could be removed. He will email the name of the best person to contact for getting the sand bar cleaned out. Mr. Mobley asked if the estimates include Town labor. Mr. Coppock answered yes. Mr. Mobley confirmed these are two things that could be fixed in-house without requesting permits. Mr. Coppock agreed.

Kevin Farris asked where the money will come from for the repairs. Mr. Coppock answered from the Town and they’re stormwater projects. Ms. Hash noted the Town installed the sidewalk on Vine Street and the property owner paid for the materials and the Town provided the labor. Would this be something the Town would have to do or would it be a public-private partnership on the sidewalk? Mr. Coppock replied it was up to the Town Council. Mr. Oldham thinks it would be unfair to go back to the landowner when they’re not building a house. Mr. Mobley will inform the committee of the aforementioned and everyone will meet so they can get approval from Town Council to alleviate the flooding. Ms. Hash commented there is a materials line in stormwater and that would be the only line available to do the project.

New Business

Utility Billing Office Staff Promotion – Mike Farmer

Mike Farmer, Ellettsville Utilities, has an opening for a regular full time billing clerk due to a resignation. Kim Weddle works for them as a regular part-time employee and he is requesting to promote her to regular full time with the accompanying pay. She presently earns \$17.50 part-time and \$19.98 is the top pay for regular full time. He recommends full pay with \$1,000 held back, or \$19.49, until she meets the probationary period at which time he will request full pay of \$19.98. They do not intend to replace the part-time position. After a discussion it was decided to not institute a probationary period and Ms. Weddle will receive full time pay.

Scott Oldham entertained a motion to promote Kim Weddle to the full time Utility Billing Office staff at full pay without probation. Dianna S. Bastin made a motion to promote Kim Weddle to the full time Utility Billing Office staff at full pay without probation. Kevin Farris seconded. Roll call vote: Scott Oldham – yes; Dianna S. Bastin – yes; Kevin Farris – yes; and Brian Mobley –yes. Motion carried 4-0.

Town Council Comments

Dianna S. Bastin commented the Utilities person who resigned and moved onto different things in life was a valuable employee and will be missed. Thank you for the years you did work for Ellettsville and the job you did.

It is leaf season and she has a complaint about people who put their leaves in the street. She, personally, would rather drive in snow than drive on wet leaves. More and more people are out exercising, riding bikes and walking dogs and they have to walk through the wet leaves. It is not what the Street Department asks to be done and is not what the ordinance says we are to do. The leaves are to be on the property and it is safer for the men who are picking up the leaves if they’re on the edge of the property. They clog the storm drains. Please keep the leaves out of the street.

Privilege of the Floor

Diana Choate, President of the Monroe County Fall Festival, thanked the Town Council, Street Department and Utilities for their help, the use of the room for their meetings and their continued support. The officers did a good job of maintaining the accessible parking. Attendance was average.

She represented Maurice Endwright in the Indiana Torch Relay through the Town of Ellettsville. She will again represent Mr. Endwright and the Town of Ellettsville at the closing ceremony in Indianapolis.

Adjournment

Scott Oldham entertained a motion to adjourn. Dianna S. Bastin so moved. Kevin Farris seconded. Scott Oldham adjourned the meeting at 7:34 p.m.

Scott Oldham, President

Dianna S. Bastin, Vice-President

Scott Thomas

Kevin Farris

Brian Mobley

Sandra Hash, Clerk Treasurer