

July 11, 2022

The Ellettsville, Indiana, Town Council met for a regular meeting on Monday, July 11, 2022, at the Ellettsville Town Hall Meeting Room located at 1150 West Guy McCown Drive. The scheduled meeting for June 27, 2022 was cancelled due to lack of quorum. William Ellis called the meeting to order at 6:30 p.m. Kevin Patton led the Pledge of Allegiance followed with a prayer by Jimmie Durnil.

Roll Call: Members present were William Ellis, President; Trevor Sager, Vice President; Scott Oldham, Dan Swafford and Pamela Samples. Sandra Hash, Clerk Treasurer, Michael Farmer, Town Manager, Darla Brown, Town Attorney were also present.

Supervisors participating: Jimmie Durnil, Kip Headdy, Denise Line, Jeff Farmer and Kevin Patton were present.

William Ellis entertained a motion for approval of the minutes of the regular meeting June 13, 2022. Trevor Sager so moved. Pamela Samples seconded. Roll call vote: William Ellis – yes; Scott Oldham – yes; Trevor Sager – yes; Dan Swafford – abstain; Pamela Samples – abstain. Motion Carried.

Accounts Payable Vouchers and Payroll

William Ellis entertained a motion to pay Accounts Payable Vouchers and Payroll. Dan Swafford so moved. Scott Oldham seconded. Roll call vote: William Ellis – yes; Scott Oldham – yes; Trevor Sager – yes; Dan Swafford – yes; Pamela Samples – yes. Motion Carried.

Resolutions

Resolution 09-2022 to Dispose of Surplus Property for the Police Department – 2009 Dodge Charger and Utility Department – 2011 Jeep Wrangler

Jimmie Durnil, Town Marshal explained the vehicle has been in the fleet for 13 years and is time to go. He also mentioned they also have 6 mobile radios you can no longer find parts for. They are keeping 2 that still work and request to surplus the other 4. Both will be sold on E-Bay. **Michael Farmer**, Town Manager explained they have a 2011 Jeep, right hand drive that was used by the meter reader and request to surplus it, they have replaced it. It will be sold on Gov Deals and he is sending some emails to local carriers to see if there is an interest. He further explained the new vehicle was not part of the lease program through Enterprise. Trevor Sager made a motion to approve Resolution 09-2022 to Dispose of Surplus Property for the Police Department – 2009 Dodge Charger and Utility Department – 2011 Jeep Wrangler plus for 4 in car radios for the Police Department. Dan Swafford seconded. Roll call vote: William Ellis – yes; Scott Oldham – yes; Trevor Sager – yes; Dan Swafford – yes; Pamela Samples – yes. Motion Carried.

Resolution 10-2022 Transfer of Funds for the Park & Recreation and General Fund

Sandra Hash, Clerk Treasurer explained this is a normal housekeeping item. Jimmie has a material line that is out of money and has money available in his Town improvements line so she will transfer \$3,000.00 from there. Also, the Town Manager needs money moved from the Town Manager's Salary to Promotion of Town Business to take care of some miscellaneous things purchased for the food trucks and other gatherings at Town Hall. The Planning transfer is for fuel. She explained there will more than likely be more transfers for fuel upcoming. Dan Swafford made a motion to approve Resolution 10-2022 Transfer of Funds for the Park & Recreation and General Fund. Pamela Samples seconded. Roll call vote: William Ellis – yes; Scott Oldham – yes; Trevor Sager – yes; Dan Swafford – yes; Pamela Samples – yes. Motion Carried.

Ordinances on First Reading

Ordinance 2022-06 establishing a Police Pension Board & Ordinance 2022-07 establishing a Fire Pension Board

Darla Brown, Town Attorney explained that July 1, 2022 police and fire candidates who meet the age requirement and pass the physical test have to be in the 1977 retirement plan

and can no longer be in PERF (Public Employee Retirement Fund). When you join the 1977 plan you must have a Police Pension Board and a Fire Pension Board. The Indiana Code tells you how those are to be set up. Each board consists of a seven-member board. The Police Pension Board consists of The President of Town Council, Town Clerk Treasurer, Police Chief, 1 retired member of the Town's Police Department and 3 active members of the Town's Police Department. The Fire Pension Board consists of The President of Town Council, Fire Chief, 1 retired member of the Town's Fire Department and 4 active members of the Town's Fire Department. She stated that there is a complicated system for electing the board for the Fire Department and doesn't understand why. She feels it is a work in progress and she will continue to look around and see if it has to be that complicated.

New Business

Fire Department request to Hire 2 Full-time Firemen to fill current vacancies

Kevin Patton, Fire Chief explained one is to replace Mike Cornman after he retired and Mark White. They completed applications and testing and he would like to request Ryan Pursell and Tanner Waldrip to hire. Both are already in the 1977 PERF plan. They will have to complete the fit for duty physical that is required for every firefighter. Scott Oldham made a motion to offer a conditional offer to Ryan Pursell and Tanner Waldrip. Trevor Sager seconded. Roll call vote: William Ellis – yes; Scott Oldham – yes; Trevor Sager – yes; Dan Swafford – yes; Pamela Samples – yes. Motion Carried.

Fire Department Assistant Chief and Sargent Promotions to fill current vacancies

Kevin Patton, Fire Chief explained they have an Assistant Chief, Sargent and a Captain position open due to retirements and moving around of positions. He would like to fill the Assistant Chief position and a Sargent position. He conducted interviews and testing. He has selected Adam Yelich for the Sargent position and current Captain, Kenny Parrish for the Assistant Chief position. Trevor Sager made a motion to promote Kenny Parrish to Assistant Chief and Adam Yelich to Sargent positions. Scott Oldham seconded. Roll call vote: William Ellis – yes; Scott Oldham – yes; Trevor Sager – yes; Dan Swafford – yes; Pamela Samples – yes. Motion Carried.

Police Department request to upgrade the Detective/Sargent Position

Jimmie Durnil, Town Marshal discussed opening the position of Detective Sargent due to retirement of the Investigative Sargent and technician. He would like to upgrade the rank to Lieutenant. It will cost approximately \$1,000.00 from now through the rest of the year. He has the funds in his budget. Once the budgets are complete they can reclassify the rank. It will change from Detective Sargent to Detective Lieutenant. This change should have been done years ago and basically it establishes a chain of command. Scott Oldham made a motion to approve the Police Department request to create the position of Detective Lieutenant as the top merit rank of the agency subordinate to the Deputy Chief who is subordinate to the Chief. Pamela Samples seconded. This change will not occur until the first meeting in August. The books have to be cleared from the current Detective Sargent.

Memorandum of Understanding between Ellettsville Main Street, Chamber of Commerce and Town of Ellettsville re: Envision Ellettsville Plan

Michael Farmer, Town Manager explained since the Envision Ellettsville process has been completed, he is ready to implement some of the ideas and plans that came from the information gathered from the community, the Chamber and staff and move forward. It follows and parallels the original comp plan and is truly a community vision plan. The Memorandum of Understanding will join forces with Ellettsville Main Street and The Chamber of Commerce to have an agreement and move forward in an orderly way. Darla Brown, Town Attorney further explained that the intent of the agreement will be that Main Street and the Chamber will continue to work on projects and decide the organizational structure and will periodically come to Council with their ideas to adopt or not at their pleasure. There has been a shift in a sense that the Taylor Group was helping Main Street and the Chamber put together the plan so the Taylor Group is familiar with the plan so the Town will step into the shoes of Main Street and the Chamber and have a contract with the

Taylor Group and serve as a go between with the Town, Mike Farmer, Planning, Street, Main Street, the Chamber and Town Council. Michael Farmer explained after some hesitation that it doesn't lock us in to anything but structure fees for professional services for design and engineering for projects and the Next Level Trails Grant. Darla Brown, Town Attorney went over the information provided to the Town Council the first of which was the Resolution the Council passed May 23, 2022 outlining on how to spend the American Rescue Plan Act (ARPA) money. She explained there is an overlap of what the Town wanted to do and what the Envision Ellettsville Plan wants to do. The Town's plan is flood remediation and grants. She went on to explain excerpts presented directly from the Envision Ellettsville plan that was presented to the public in May including Proposed Organizational Structure, Proposed Initiatives, Foundational Projects, Tasks outlined by TSWDG, Roles and Responsibilities, Communication and Members to Involve. The only new information presented is the Memorandum of Understanding between the Town and the Taylor Group (Exhibit 1) and the Master Agreement (Resolution 11-2022) it clarifies why the council is selecting the Taylor Group to ensure a smooth transition on the commencement of the proposed projects since the Taylor Group assisted Main Street and the Chamber in putting together the plan. Dan Swafford expressed concern that we are moving forward without involving the Plan Commission and that we do not currently have a Planner. Dan Swafford and Pamela Samples both feel it is too much new information to process in such a short amount of time. Scott Oldham explained that this is only selecting a partner to move forward with and gives the ultimate authority to yay or nay any projects that comes forward. Michael Farmer, Town Manager said they are trying to prepare themselves to work through all these problems, wish lists and plans we have for the Town. Leasa Siscoe president of Ellettsville Main Street stated when they started the Envision Ellettsville process it began with a Memorandum of Understanding and continued with the presentation on May 17, 2022. It has been a real community process and the Taylor Group has overseen the complete project. The memorandum outlines the parts each group plays in the process but the Town Council has the final vote. Their goal is to share the ideas from the community and present it as recommendations for the council's consideration. She encouraged everyone to read the plan so we can invest in our community so our kids want to stay here, attract people to live here, work here and have something to do here locally. We want to support your efforts to help grow the Ellettsville community. Dan Swafford questioned if there was a Request for Proposal (RFP) for the engineering services. Darla Brown explained it was not required for services. Leasa Siscoe added they had prepared RFP's for the Envision Ellettsville plan and received 21 responses but chose the Taylor Group due to their broad-based knowledge and how they collaborated with other communities. Darla Brown added the task orders have a "not to exceed amount" and the Memorandum of Understanding and the Master Agreement are the global plan that tells how the tasks will be implemented. Michael Farmer compared this to our ongoing agreement with Baker Tilley for accounting services. Dan Swafford is concerned that it isn't going before the Plan Commission. Michael Farmer explained that once things move forward everyone will be consulted to make sure everything is to code. Scott Oldham stated that the Planning Commission doesn't have any oversight over government projects. They can offer insight but the decision lies with the Council. Dan's concern is not with any decision process but that they are informed. Darla Brown confirmed that the Taylor Group is only putting together the plan to be brought to the Plan Commission for revising the planning and zoning code and the comprehensive plan for review. Noelle Conyer and Valerie Dewar from public comments spoke in support of the agreements. Scott Oldham suggested changing the wording in the addendum on page 18 section 2 from Main Street and the Chamber shall exercise their discretion in selecting the organizational structure they deem most appropriate Main Street and the Chamber shall exercise their discretion in selecting the organizational structure they deem most appropriate subject to council oversight to avoid conflict of interest. Darla Brown was concerned about Council appointing the board then the Chamber and Main Street would be subject to the Open Door Law. Darla suggested Main Street and the Chamber shall exercise their discretion in selecting the organizational structure they deem most appropriate and may not implement the exact organizational plan depicted in Envision Ellettsville however the Town Council will be notified of the board members. Leasa Siscoe confirmed that they have every intent on including council as a part of the task force and can be amended as needed. Donna Neise, Chamber of Commerce president expressed her concern on slowing the process by not approving the MOU. Dan

Swafford and Pamela Samples continued to express concern in signing tonight as it was too much information to process so quickly. Leasa Siscoe reminded everyone how much is invested in this plan and hopes to keep things going and not slow the process. Michael Farmer doesn't feel like it isn't being rushed, Next Level Trail Grant, the Stewart Property development and the comprehensive plan have been talked about for a year. After some further argument, Scott Oldham made a motion to move forward on the Memorandum of Understanding between Ellettsville Main Street, Chamber of Commerce and Town of Ellettsville re: Envision Ellettsville Plan as amended. Trevor Sager seconded. Roll call vote: William Ellis – yes; Scott Oldham – yes; Trevor Sager – yes; Dan Swafford – abstain; Pamela Samples – abstain. Motion Carried.

Master Agreement for Professional Services between Town of Ellettsville and Taylor, Siefker Williams Design Group, LLC (TSWDG)

Michael Farmer, Town Manager explained this is just the mechanism to enter into an agreement with the Taylor Group if and when they decide to use them on projects. Ron Taylor, from the Taylor Group explained that the Master Agreement establishes the terms of their relationship meaning as we work together, these are our terms. There are no work assignments, dollar amounts or anything other than insurance requirements, liability and the indemnification for whatever work they do its covered by this agreement. Signing this doesn't commit to any work or any time frame, it is just to establish a contractual relationship between us. The dollar amounts will come with the first task order. He showed a short presentation that outlines the structure of the Envision Ellettsville Plan and how they will organize tasks. It begins with the Master Agreement and then uses a series of task orders that defines work, schedule and budget for each project. Each project will then be presented to Council as a task order for consideration. He explained the Master Agreement presented this evening has 2 task orders attached to it. The first is called an On Call Administrative Assistance and Support Task Order. This allows them to facilitate and operate a task force at an hourly rate. Since there is no way of knowing how much is involved, there is a max on it so they set a cap on it that they will not go above a certain cap without written authorization to do so. The second task order has more of an urgency to it than the first and it is for the Next Level Trails. We have received a grant application from the DNR that includes a set amount to be paid for Engineering & Design fees. You are on the clock for that meaning your design and construction has to be completed by a certain time. This task order contains a very detailed scope of what they will do, an hourly estimate and a lump sum amount of what it will be. He continued to explain there are 4 additional task orders that are not being presented tonight. First is the Master plan of the Stewart Property, second is the Master plan for the Streetscape Design that is tied into the flood control project downtown, third is an On Call Planning Services which allows the Town to use them for other Planning levels at a certain hourly rate, and the 4th is Comp Plan and a UDO (Unified Development Ordinance). This means we have a comprehensive plan in place and the Envision Ellettsville project just completed builds on those goals and objectives. The only missing piece to the Envision Ellettsville project is the land use component. In order to update the zoning and subdivision control ordinances must have the land use component to be updated. Envision Ellettsville looked at focus areas but not community wide. This proposes updating the land use portion and the community re-adopt the Envision Ellettsville plan as the new comprehensive plan and build the Unified Development Ordinance off the recommendations of that plan. It will take a lot more review in detail. That process would include going before Plan Commission and working with them and Town Council. Council agreed the presentation clarified a lot of the questions and concerns they had about the Memorandum of Understanding.

Resolution 11-2022 approving Master Agreement

Resolution was presented for a vote after the discussion. Trevor Sager made a motion to approve Resolution 11-2022 approving Master Agreement. Scott Oldham seconded. Roll call vote: William Ellis – yes; Scott Oldham – yes; Trevor Sager – yes; Dan Swafford – no; Pamela Samples – abstain. Motion Carried.

Task Order Number 1 between Town of Ellettsville and TSWDG re: On Call Program Administration and Technical Support

Ron Taylor, TSWDG explained this is only for the technical support services for running the task forces and the Envision Ellettsville. It does have hourly rates and a scope associated with it. If this is signed, they will begin that task force formation and putting together those things.

Dan Swafford made a motion to table Task Order Number 1 between Town of Ellettsville and TSWDG re: On Call Program Administration and Technical Support until the next meeting. Pamela Samples seconded.

Task Order Number 2 between Town of Ellettsville and TSWDG re: Next Level Trails Design and Engineering

Michael Farmer, Town Manager explained they are moving forward with the Next Level Trail Grant and requests they approve this task. There are expectations with the DNR and there is a schedule that can cause delays or failure of this project if they have to wait. Denise Line, Assistant Planner mentioned that other governments have received their grants so Engineers and designs are getting backed up already. Scott Oldham feels there is no reason to wait. Scott Oldham made a motion to approve Task Order Number 2 between Town of Ellettsville and TSWDG re: Next Level Trails Design and Engineering. Trevor Sager seconded. Roll call vote: William Ellis – yes; Scott Oldham – yes; Trevor Sager – yes; Dan Swafford – no; Pamela Samples – abstain. Motion Carried.

Discussion re: Redistricting

Darla Brown, Town Attorney asked Clerk Treasurer Sandra Hash to put this back on the agenda because there was some question a few meetings ago about whether or not Town Council had to redraw its lines for the wards for the redistricting. She explained that they do not as long as the ward lines don't change because of your population. It is her understanding according to the last census and the maps Kevin Tolloty prepared there is almost no difference in the current proposed ward map and the current ward map. In summary the statute states that if the legislative body finds that redistricting is not required you may adopt an Ordinance certifying that the districts, as they are currently, are fine and you can recertify it and a copy goes to the Circuit Court Clerk. The same rules apply for recertifying as for the original districting. As long as the districts are composed of contiguous territory, they are reasonably compact, they contain as nearly as possible equal population, they don't cross the census block boundary or the precinct lines it doesn't have to be redone. Darla called and spoke to Karen Wheeler in voter registration to verify the precinct lines haven't changed, to see if we are good to go. She will check and get back to her so at the next meeting she can have an Ordinance ready certifying the wards as they have them now. Redistricting is done every 10 years. Council agreed it will need to be done in 10 years.

Supervisor Comments

Michael Farmer, Town Manager thanked Denise Line and Kip Headdy for their work on the Community Crossings Grant they have started implementing it and there are some new paved streets in the area as a result. He discussed the new playground equipment being installed first at Campbell's Park and then Town Hall. After the equipment is installed they will pour the surface. He is excited to have kids on them playing soon. He also mentioned the vegetable stand in front of Jiffy Treet is now open for business and thanked those involved for getting it back up and running. He concluded with mentioning the budget process is beginning to start and encouraged everyone to get involved early, ask questions and be prepared. It will be an aggressive budget this year. He will discuss LIT money and he has a plan for retention and support for the Town employees. The first meeting is Thursday at 12:30.

Jeff Farmer discussed moving forward with some large purchases at the Wastewater Treatment Plant he previously discussed. One being the UV system and some painting. He

will get requests for bids out and have them sent to the Clerk's office. They are also conducting rate studies at this time for both the water and wastewater. He encouraged council to come down and look around to get an idea of the things he is requesting.

Kevin Patton, Fire Chief was asked to clarify that the vehicles he was requesting to purchase has changed from Explorer's to Durango's. The vehicles were not available this year possibly and the Durango's still fit the budget and are available in a couple of weeks.

Kip Headdy, Street Commissioner mentioned that E&B Paving have started paving work and completed Mustang Drive, Violet Court, Inpatiens Street and the culvert under Reeves Road. Rain delays has them a little behind. This is part of last year's grant in the amount of \$231,000.00 and they still have this year's grant in the amount of \$388,000.00. While they were in the area they resurfaced Reeves Road as a part of this year.

Denise Line, Assistant Planner explained Planning is very busy, they have a new development coming in with 9 lots.

Sandra Hash, Clerk Treasurer introduced Noelle Conyer as the new Deputy Clerk that will start on July 25th and she has an interest in running for Clerk Treasurer. She also discussed the new personnel policy. They have met with the representative for the first revision. There are some things that are required by law to change. She will send a new copy with the revisions in red. Once she receives those she will get those out to everyone to review. There will be a supervisors meeting to discuss everything.

Council Comments

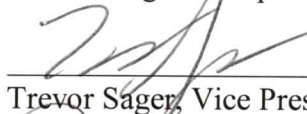
Dan Swafford inquired about where in the process they were in hiring a new Planner. Michael Farmer stated it will be discussed at the next meeting. He will send out an email in the next couple of days. The job was listed through Accelerated Indiana Municipalities (AIM) and the Planner's website and they received one application. Dan Swafford mentioned he would like to be involved the interview. Scott Oldham objected since Dan is on the Plan Commission. Dan asked for clarification from legal and Scott said it's not illegal, he just objected to it. Michael Farmer said his email will help. Pamela Samples inquired about keeping the Planning Department fully staffed due to the outsourcing mentioned. He plans on adding some positions and feels they will still be busy.

Scott Oldham mentioned his hope with the budget considerations that there are substantial raises for the employees.

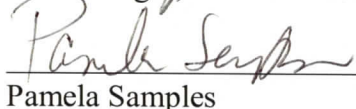
Adjournment

William Ellis, Council president adjourned the meeting at 8:56 p.m.

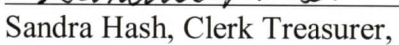

William Ellis, President


Trevor Sager, Vice President


Scott Oldham


Pamela Samples


Dan Swafford


Sandra Hash, Clerk Treasurer, IAMC, MMC