

December 9, 2019

The Ellettsville, Indiana, Town Council met for a regular meeting on Monday, December 9, 2019 at the Ellettsville Town Hall Meeting Room located at 1150 W. Guy McCown Drive. Brian Mobley called the meeting to order at 6:30 p.m. William Ellis led the Pledge of Allegiance followed with a prayer by Jimmie Durnil.

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

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

Approval of Minutes

Brian Mobley entertained a motion for approval of the minutes of the regular meeting and Executive Session on November 25, 2019. Dan Swafford so moved. William Ellis seconded. All in favor, motion carried.

Accounts Payable Vouchers and Payroll

Brian Mobley entertained a motion to pay Accounts Payable Vouchers and Payroll. William Ellis so moved. Pamela Samples seconded. All in favor, motion carried.

Resolutions

Resolution 26-2019 Transfer of Funds

Mike Cornman, Fire Chief explained this transfer is for 2 outdated radios that need replaced. They have sufficient funds in the Telephone and Fax line due to the mobile data terminal process for the fire trucks to have computers on them. They require a data plan for them and was it budgeted for but won't happen until next year, so the money is available to use.

Jimmie Durnil, Town Marshal requested his portion of the transfer was for cameras and things they are behind on purchasing but have budgeted for, so the funds just need moved around. Brian Mobley entertained a motion to approve Resolution 26-2019 Transfer of Funds. William Ellis so moved. Pamela Samples seconded. Roll call vote: Brian Mobley – yes; Dan Swafford – yes; William Ellis – yes; Scott Oldham – yes; Pamela Samples – yes. Motion carried.

Resolution 27-2019 to acquire two parcels of land on the north side of the 300 block of West Main Street, including an actual rail line and an old railroad right-of-way for future trail

Darla Brown, Town Attorney explained this is a resolution to begin the Eminent Domain process in order to acquire the two parcels listed for the trail grant that Kevin Tolloty and Denise Line have applied for. The process has already started by having 2 title searches done on the property and the owner is unknown. She has served the offer by publication and the time for John Doe and or the unknown owner to step forward expired last week. The next step is to file suit in court and get service by publication. Dan Swafford didn't understand the process of purchasing the property and Eminent Domain since the property had no owner. Darla Brown explained they have to deposit the money for the property to the Clerk's Office because the property isn't ours yet. She couldn't use Quiet Title because she couldn't explain why the Town would own this property. If she had deed descriptions that overlapped or that there was some explanation that the town owned the property, she could have filed a petition for Quiet Title. She further explained she made an offer of \$10,000.00 to be deposited to the Clerk's Office. The appraisal was for \$16,000.00. William Ellis questioned what happened to the money if nobody claims it. Darla Brown explained if the regular procedure is followed the money will eventually escheat to the state, but she has some arguments she can make that the Town might be able to get it back. Brian Mobley entertained a motion to accept Resolution 27-2019. Scott Oldham so moved. Pamela Samples seconded. Roll call vote: Brian Mobley – yes; Dan Swafford – yes; William Ellis – yes; Scott Oldham – yes; Pamela Samples – yes. Motion carried.

Ordinances on First Reading

Ordinance 2019-23 Voluntary Annexation of 7691 West Reeves Road and 5453 North Loudon Road, Bloomington into the Town of Ellettsville – 34 Acres

Kevin Tolloty, Planner explained it was for 2 separate parcels that will total 34 acres that will be used to develop residential single-family homes. The property is located across from the elementary school and wraps around the cemetery at the corner of Loudon and Reeves Road.

Ordinance 2019-24 Voluntary Annexation of 8635 West Flatwoods Road, Gosport into the Town of Ellettsville – 1 acre

Kevin Tolloty explained this parcel was recently hit by the tornado used for two storage buildings. One building is in the process of rebuilding and the other was completely destroyed. They want to rebuild and suffered some issues in doing that under the County Guidelines, so they requested to be annexed. The property is behind Richards Small Engine and the properties on each side are all annexed in already.

Ordinances on Second Reading

Ordinance 2019-22 Salary Ordinance for 2020

Sandra Hash, Clerk Treasurer explained they are exactly as budgeted, but she did make a clarification since the first reading of the overtime for part-time firefighters and part-time police officers. The part-time is governed by a 14-day cycle and the full time is on a 28-day cycle, so it just changed a few totals. **Brian Mobley** entertained a motion to approve Ordinance 2019-22 Salary Ordinance for 2020. **William Ellis** so moved. **Scott Oldham** seconded. Roll call vote: **Brian Mobley** – yes; **Dan Swafford** – no; **William Ellis** – yes; **Scott Oldham** – yes; **Pamela Samples** – yes. Motion carried.

Old Business

Revised 2020 Animal Shelter Interlocal Agreement for Fiscal Year 2020

Sandra Hash, Clerk Treasurer explained the statistics sheet did not agree with the contract that they sent us in July and that was approved in August in the amount of \$15,915.85 and it is now \$19,270.00 making it short a little over \$3,000.00 in the budget for next year. She will try to encumber that out of this year existing appropriations but if not, she will have to do an additional appropriation. The statistics sheet is included in the packet. Basically, it shifted money from the County to the Town and when they ran the formula, it was mis-stated on the original contract. It averages out to \$218.00 per animal surrendered and picked up. **Scott Oldham** questioned why Ellettsville pays so much for animal control when surrounding counties pay zero and have just as many if not more animals surrendered. **Sandra Hash** explained that the negotiation happened several years ago, and they argued because the Town is incorporated, and we are more cumbersome. She said according to Indiana code, it says if we don't offer the service it will be provided by the county. **Sandra Hash** also stated the County has always provided animal control and we pay in county taxes just like the other county residents, but the shelter is owned and operated by the City of Bloomington and they have an interlocal agreement with the shelter. **William Ellis** inquired about what happens if we don't approve it at this time. **Darla Brown**, Town Attorney will have to do further research before answering that question. **Scott Oldham** questioned the fact we have an agreement with the County and not the City, he understands there is cost incurred with surrendered animals but if there was animal control here he would love to see numbers for that, but he doesn't see animal control here so he can't justify the cost. **Sandra Hash** mentioned **Jeff Cockrell** had called her bringing the error to her attention and she told him it was already approved and budgeted for the lower amount and she would have to take it back to council and see what happens. Consensus of the council is that they don't provide the manpower to justify the cost. The County Commissioners approved it with the new amount. **William Ellis** made a motion to table until further research can be done. **Dan Swafford** seconded. Roll call vote: **Brian Mobley** – yes; **Dan Swafford** – yes; **William Ellis** – yes; **Scott Oldham** – yes; **Pamela Samples** – yes. Motion carried. **Darla Brown** will get back with the council after she completes her research.

Council Comments

Brian Mobley presented maps to show the improvements recommended to the creek bank to improve the flooding. He feels the newer council members were not aware of all the past recommendations and wanted them to be informed. He feels with the new growth coming to Ellettsville it is important to him that we try to rectify the flooding issues so there is not future damage to property and interruptions to the flow of traffic to and from the Town. Recommendations from Rick Coppock can be done in house which consists of shelving the creek bed behind Vine Street, the property on McNeely will require help from the County to install culverts and the land behind the Blue Building can be taken out and a retention pond put in. Pamela Samples requested a copy of the presentation that was given. Mike Farmer, Town Manager also mentioned these improvements will not only help the flooding but will add to the esthetics of the Town by removing unsightly buildings on the properties the Town is trying to acquire along the creek bed. Sandra Hash will print the presentations out to anyone who would like them. Brian Mobley feels the money spent on these improvements will pay for themselves by not having to recover from all the flooding. Scott Oldham mentioned the process of improving has begun with G.L. Chandler buying properties and removing old structures and the old Village Inn is in the process of remodel. He hopes the Town does their part in helping. Sandra Hash also mentioned that the flooding caused the Town to lose use of the Old Town Hall many times. Pamela Samples asked why this is just now being a concern after the Town has flooded many times in the past. Sandra Hash explained that the council in the past felt like the Town didn't have the funds to make the improvements. Mike Farmer also stated the mentality of the workforce has changed. We can build things and help. Before they had a caretaker workforce. Scott Oldham added that past councils have kicked the can down the road and time just goes by until it gets brought back up again, then costs are even higher. He is still undecided himself but if it doesn't get done then someone on the council years from now will ask the same questions and costs will be even higher. Brian Mobley has a personal connection to the effects over the years and feels our council is taking motion to get things done and not let it go again until the next big flood. Scott Oldham talked about 2008 being the worst year financially for the Town and we are now in a good position to do things needed for the Town. It will hurt at first, but eventually the Town will benefit. Mike Farmer says we need to envision what the Town will be like 10 years from now making the necessary improvements or what it will be like if we don't.

Valerie Dewar spoke as a businessperson in the community and representative of the Chamber of Commerce. She was upset to think that the Town had spent so much money acquiring property and doing the study to not consider making the improvements recommended for the flooding. She feels it is irresponsible to spend the money for a study and not do anything to remedy it. In defense, Pamela Samples said she was still trying to learn, and William Ellis stated it was ongoing and no decisions can be made just yet. Valerie Dewar feels like we will not grow as a Town until this gets corrected and she speaks for many others that the council needs to get busy and get this started. Pamela Samples said that this is a very lengthy, detailed situation that requires a great deal of understanding that she is trying to comprehend. William Ellis stated the Town is actively working on it but it can't be a decision that can be made by one vote. Sandra Hash explained the Stormwater Utilities was created years ago to help pay for these improvements. It is not taxpayer funds, but a Stormwater fee paid by Utility customers. It could affect Utility rates in the future the more aggressive we are with remediation the costs will go up for materials and facilities so the rate may need increased to keep up with the demand. Scott Oldham discussed that with every flood the water back fills the sanitary sewer stressing the Sewer plant which can result in building a new Sewer plant costing major money to the Town. Jeff Farmer expressed his opinion that peace of mind is also important when considering the improvements as well. Luckily, no lives have been lost during the flooding and we need to move forward. The costs are peanuts compared to recovery costs that occur every time it floods.

New Business

Sandra Hash presented the yearly notice of public meeting dates for the 2020 calendar. This sets the dates for the public to know when the Town Council, Parks Board, Planning Commission, Board of Zoning Appeals and Building Corp once a year. William Ellis requested an amendment for a once a month Work Session to discuss larger topics in detail and get all the information needed before council meetings. He would like it to be the third Monday of the month. He feels like doing this instead of before council meetings will be better than cutting them short to proceed with the regular council meeting. If there is no

agenda the meeting can be cancelled. It would be a public meeting with no comment. William Ellis made the motion to amend the dates adding a third meeting on the third Monday of the month at 6:30. Department heads are not required but are welcome to attend or as needed. Scott Oldham seconded. Roll call vote: Brian Mobley – yes; Dan Swafford – yes; William Ellis – yes; Scott Oldham – yes; Pamela Samples – yes. Motion carried.

Council Comments

Brian Mobley mentioned Santa on Sale Street is on Saturday, December 14th from 9:00 to noon with Santa arriving on the Fire Truck at 9:30. Breakfast will be provided by the Masonic Lodge. Carl Thurman will have a Hot Wheels presentation.

Supervisor Comments

Mike Farmer, Town Manager announced that Marilyn Skirvin will be retiring from the Bloomington Economic Development Corporation (BEDC). She has worked for a couple of decades with the BEDC and the Ellettsville Chamber of Commerce and a large component of Ellettsville. He appreciates all her efforts and wishes her well.

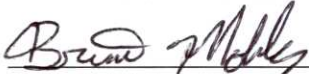
Brian Mobley mentioned that Stephanie, Ellettsville Librarian is retiring as well. He wished her well.

Kevin Tolloty, Planner announced they are posting the Building/Stormwater Inspector. It will be up on the website soon. Kevin will scan the application, so it is available to email if anyone is interested.

Sandra Hash, Clerk Treasurer announced a small swearing in ceremony for four of our newest elected officials. It will be held at 6:30 on January 2, 2020 at Town Hall Meeting Room. Officials are William Ellis, Sandra Hash, Scott Oldham and Trevor Sager.

Adjournment

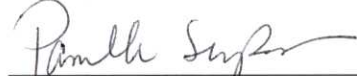
Scott Oldham made a motion to adjourn. Dan Swafford seconded. Brian Mobley adjourned the meeting at 7:34 p.m.



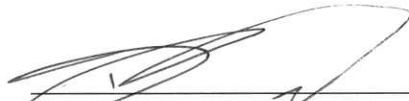
Brian Mobley, President



William Ellis



Pamela Samples



Dan Swafford, Vice President



Scott Oldham



Sandra C. Hash, Clerk-Treasurer, IAMC, MMC