

February 22, 2010

The Ellettsville, Indiana, Town Council met for a Regular Meeting on Monday, February 22, 2010 at the Fire Department Training and Conference Room. Phillip Smith called the meeting to order at 7:30 p.m. Scott Oldham led the Pledge of Allegiance. Phillip Smith led in prayer.

Roll Call: Members present were Phillip Smith, President; Scott Oldham, Vice-President; Dianna Bastin, David Drake, and Dan Swafford. Sandra Hash, Clerk-Treasurer was also present. **Supervisors Present:** Jim Davis, Jim Ragle, Tony Bowlen, Mike Farmer, Jeff Farmer, Rick Coppock and Connie Griffin were present.

Appointments

Phillip Smith appointed Phillip Rogers and Clayton Sullivan to the Plan Commission. They are both Democrats. Mr. Rogers' term ends in 2011 and Mr. Sullivan's term ends in 2010.

Proclamation

Phillip Smith read the Proclamation for the Ellettsville Chamber of Commerce for 50 years of service.

Approval of Minutes

Phillip Smith entertained a motion for the approval of the minutes for the Regular Meeting February 8, 2010. Diana Bastin so moved. Dan Swafford seconded. Roll Call Vote: Phillip Smith – yes; Scott Oldham – yes; Dianna Bastin – yes; David Drake – yes; Dan Swafford – yes. Motion carried 5-0.

Accounts Payable Vouchers

Phillip Smith entertained a motion for action to pay Accounts Payable Vouchers. Dianna Bastin so moved. Scott Oldham seconded. Roll Call Vote: Phillip Smith – yes; Scott Oldham – yes; Dianna Bastin – yes; David Drake – yes; Dan Swafford – yes. Motion carried 5-0.

Ordinances on Second Reading

Ordinance 10-04 to Rezone 4910 West State Road 46 from R-1 to C-3

Connie Griffin presented the rezone request originally on February 8, 2010. All the protocol has been met; the filing fees, the letters to adjacent property owners, the hearing notices and has gone through the Plan Commission. Plan Commission did give approval of the rezone from R-1 to C-3. This evening is the second reading and Mrs. Hoffman is present for any questions. Connie Griffin explained R-1 is residential designation and C-3 is the highest level of commercial property. Mrs. Hoffman came forward and stated she has heard no objections from neighbors or others regarding the rezone. She heard from Mr. Libke, her neighbor closest to the road, he was rezoning to C-3 and she felt there wasn't anything she could do to prevent it, so she joined him. Dan Swafford made a motion to adopt Ordinance 10-04 to Rezone 4910 West State Road 46 from R-1 to C-3. Scott Oldham seconded. Roll Call Vote: Phillip Smith – yes; Scott Oldham – yes; Dianna Bastin – yes; David Drake – yes; Dan Swafford – yes. Motion carried 5-0.

New Business

Price Quote from HJ Umbaugh & Associates to update the Valuation of Northern Richland Sewer

Jeff Farmer, Ellettsville Utilities – This is a contract between the Town of Ellettsville and HJ Umbaugh & Associates to do a valuation of Northern Richland Sewer Corporation. Dan Swafford asked Mr. Farmer if he had already received a price quote. He answered it was a price quote and an agreement to move forward with this study. Dianna Bastin made a motion to agree to the price quote given and to approve moving forward on the agreement with HJ Umbaugh & Associates to update the Valuation of Northern Richland Sewer Corporation. David Drake seconded. Roll Call Vote: Phillip Smith – yes; Scott Oldham – yes; Dianna Bastin – yes; David Drake – yes; Dan Swafford – yes. Motion carried 5-0.

Judy Morran, Teacher at Ellettsville Intermediate School – Wishing Well Parks/Nature Preserve and Disney Planet Challenge

Judy Morran – thanked the Council and reminded them she had been before them a couple of years ago with another fifth grade class with a request. She added they had

renewed their efforts and would like to show the Council some of the things they had found. She went on to say her students and she have been working for several months building a case to request that Council designate the property known as "The Wishing Well Park" as a nature preserve. Two years ago, a class of hers made the same request. Anthony Sparks went on to say this time they are working with town planner Connie Griffin and the Monroe County Council, and using the Town of Ellettsville Master Plan. They see that having this green space would be valuable for our town in many ways. Tonight, they would like to present some of their research to the Council. The history committee came forward and Paige Cowden stated one of the ways the Well Site was special was in its history. Ellen Bergan informed Council that Ellettsville began using the Well Site in 1925. It has the largest Pin Oak in Monroe County and the site supplied water to the whole town until around 1964. The forest has been undisturbed for 40 years and according to legend President Eisenhower wanted to use this property for an airstrip. However, the area was too wet to support the planes. Tanner Hovis-Johnson stated they couldn't have gotten the information without the help of the Ellettsville town clerk, the Ellettsville Chamber of Commerce, and *The Ellettsville Story*. Mrs. Morran added that as they began to look into using this area as a nature preserve, they realized they needed to understand how government worked. The government committee came forward to present their research on the branches of government and how they work. Christina Meiers stated as they examined their goal to ask the Council to designate the Well Site as a nature preserve, they realized they needed to learn about the three branches of American Government. Amber Vecrumba stated they invited Senator Vi Simpson to teach them about the Legislative, Judicial and Executive branches at each level of government; local, state and federal. They have learned that it is in the Council's power to help create the nature preserve. Mrs. Morran explained they then realized they didn't know enough about a wetland. Therefore, the wetland-woodland committee was established and came forward to present their findings. Abigail Hawkins explained her group researched characteristics of a wetland-woodland because the Well Site has been determined to be an upland wetland. Cora Narey-Moore went on to say wetlands are important because more than 85% of Indiana's wetlands have been eliminated since the 1800's. More than 5,000 species of plants live in or near wetlands. Wetlands have high biological productivity. The higher a wetland's plant productivity, the more animal life a wetland can support. Kate Myers added that wetlands are home to many different plant species - for example; ferns, shrubs and vines. Wetlands are classified. Ours is an upland wetland. Also, it could be a fen wetland. Wetlands have different elevations. The Well Site's maximum elevation change is approximately 15 feet, which is actually not that much. Bonnie silt loams and a small amount of peoga silt loams are the primary soils. She asked those present to focus their thoughts on the fact that 85% of Indiana's wetlands have been eliminated. While focusing on elimination, she informed Council that happening right here on our Well Site, there has been vandalism. A mysterious person has been slicing off the tops of trees and using them as firewood. She asked the Council to help us make the Well Site a preserve so this vandalism will stop. Mrs. Morran stated they do have pictures of the vandalism from one of their last visits to the site. She said one of the issues of the Well Site as a preserve is management. Finances are restricted. One group took a look at the different preserves there are in Indiana to look and see how they are managed. The Preserve Management group came forward to present their research. Celeste Orlowski remarked that their group researched other Monroe County Preserves and how they are managed. There are only four nature preserves in Monroe County and they are; Bean Blossom Bottoms Nature Preserve, which is a wetland-woodland, and Cedar Bluffs Nature Preserve, Griffy Woods Nature Preserve, and Scout Ridge Nature Preserve, which are all woodlands. Hannah Adams informed Council of how Monroe County takes care of these preserves: No alcoholic beverages or cigarettes are permitted, visitors to stay within five yards of the trails, no littering, pets are allowed as long as they are on a leash or contained in some manner, no disturbing or destroying of property, no hunting, no digging of plants, guns, fire, and fireworks are not permitted, no camping allowed, no sound amplifying devices or model aircrafts, and no leaving marks of your presence allowed. John Garrett presented Indiana Code 14-31-1 which in part states; as part of the continuing growth of the population and the development of the economy of Indiana, it is necessary and desirable that areas of unusual natural significance be set aside and preserved for the benefit of present and future generations before the areas have been destroyed. Once the areas have been destroyed, the areas cannot be wholly restored. Mrs. Morran remarked that one

thought is that initially the Well Site could be named a Nature Preserve and then could be left alone until future time when finances are available to create a trail. Then, financially, there would be little management costs for the preserve in the early stages. Another positive for little human interference would be the effect such “hands off” policy would have on the rich ecosystems found in the Well Site. Another group researched the ecosystems of the Well Site and the far-reaching effects those systems have. Many times the species of those ecosystems cannot voice their concerns. So, the students have tried to do that for you. Evan Simmonds spoke for the Indiana bat who said “there aren’t many of us hanging around here, but the Well Site will protect us.” The red-headed woodpecker says “without trees, what would we peck at?” The Eastern cotton-tail rabbit says “I’m hopen’ for the Well Site.” The white-tailed deer says “preserve what is important in our future.” Marie Doyle went on to back up what the animals said. Indiana ranks fourth in the nation with wetland loss. Indiana has lost 85% of its wetlands. Only 4% of Indiana is wetlands, compared to 25% in the 1700’s. Old-growth forests are endangered because of logging. By the late 1900’s, over 4.7 million acres of wetlands were lost. Plants, microbes, and wildlife in wetlands purify water as it travels through a watershed, such as McCormick’s Creek. One way wetlands clean is to remove excess nutrients like phosphorous and nitrogen which can enter due to industry and agriculture. Phosphorous and nitrogen can seriously pollute water and harm life that depends on it. Wetlands clean 92% and 95% of nitrogen and phosphorous respectively. Wetlands can also clean up to 90% of harmful bacteria! Wetlands clean up to 70% of sediments; silt is the number one polluter of Indiana waters. Noel Gillenwater informed the Council that wetland ecosystems are rare and should be treasured by everyone. The Well Site will help preserve these fragile ecosystems. Preserving the Well Site will help ecosystems be able to naturally clean the McCormick’s Creek watershed; thrive and be a habitat for endangered animals, such as the Indiana bat; be able to trap sediments to stop erosion; trap bacteria that may flow into Lake Monroe and into our drinking water; help Indiana’s wetland loss crisis; help with the very low numbers of Old Growth forests; and be a sustainable habitat for many of Indiana’s plants and animals. All the children recited the following: The Well Site is not only an environmental treasure, but, is also an educational experience and can be recreational, scientific, and an historical heritage to citizens of Ellettsville. Mrs. Morran stated for the last 10 years, her classes have been gathering data on the McCormick’s Creek Watershed. She introduced the Data group and asked them to come forward to present their experiment’s results with the Council. Katie Wells, Nick Mobley, and Graham Hughes explained data presented on the overhead regarding water testing over the past 10 years of the White River and McCormick’s Creek. Carolanne Houghton explained the purpose of water testing and what the results could mean for our local ecosystem. Mrs. Morran explained that because they care so much about the future and because they have great imaginations, the class came up with the Well Site as the perfect world, which they would like for it to be. Lucas Poling introduced Naturica Preservica. He stated it was a perfect world in the form of a nature preserve. He went on to say he knows Naturica Preservica sounds like a disease, but it is much more. It is simply a perfect world, in the form of a nature preserve. It has flora, fauna, and untouched, beautiful land. It seems unlikely, but it is something that he would work towards. There are many forms of flora on Naturica Preservica, including the pawpaw tree, and the center of life on Naturica Preservica, the Great Pin. All life revolves around the flora and the Great Pin. The sun and rain fuels the Great Pin, and the Great Pin gives energy and food to the other trees, which the fauna eat, thus making the clouds rain and sun shine with sadness and happiness respectively. Without the fauna of Naturica Preservica, there would be no emotion. Trees can weep, but they cannot cry, and they can sway, but cannot dance. The fauna include red foxes, gray foxes, bugs, countless birds, coyotes, and the endangered Indiana bat. Although Naturica Preservica is another planet than Earth, it still has local flora and fauna. Naturica Preservica is a metaphor for how much better life around the Well Site would be if it was a nature preserve. It would not be touched, and it would be close to as perfect our class can take. He concluded by thanking everyone for listening, and asked them to please enjoy his picture of Naturica Preservica. Carolanne Houghton spoke for the class and informed Council the class had worked very hard to present their information tonight. She asked they think not as Town Council members only, but as concerned citizens of Ellettsville. The Well Site is the headwaters of McCormick’s Creek. Many plants and animals depend on McCormick’s Creek. She asked if they wanted to take that away from them. She supposed they might think the land could be a shopping mall someday and

asked what was more valuable – shopping malls or a historical environment that cannot be replaced. Another important issue is the Indiana bat. The Indiana bat might live in the Well Site. She asked if they wanted to be the people remembered as helping the Indiana bat go extinct. She went on to say if the Well Site was cut down, it wouldn't just affect us; it would affect other people who don't even live here. She said the Well Site is a very special place that not many have the opportunity to see. Think about the animals, your citizens, and the Well Site that is sitting going to waste. Isla Weber stated she believes that having clean water is important. A wetland is a natural way to clean water without having to waste natural resources. It also saves green space in Monroe County. They clean water for Lake Monroe and McCormick's Creek which support a variety of animal life and provide drinking water for Monroe County. They are like a sponge and soak up water as if they are in a big bowl of H₂O. If water is muddy and is running through a wetland, plants in the wetland slow it down and mud settles, cleaning it. It is also like a kidney or filter because it cleans out all the harmful nutrients. Wetlands do this because they have plants that need certain nutrients to live. For example, if there is a stream going through a cow field, all the cow manure gets in the water. Manure has the nutrients the plants in the wetland need, in this way, plants filter the manure out of the water, cleaning it. In a world where natural resources are rapidly disappearing, I believe natural technologies, like a wetland nature preserve may be our greatest hope to sustaining life on planet Earth. She quoted Nez Perce Chief Seattle: "Teach your children what we have taught our children. Whatever befalls the earth befalls the children of the earth. If we spit upon the ground, we spit upon ourselves. This we know – the earth does not belong to us; we belong to the earth." Mrs. Morran once again thanked the Council for allowing them to present their information. Scott Oldham commended her, the students and their parents for a group of well behaved, articulate, and polite children. Phillip Smith asked Connie Griffin if she had spoken with the attorney regarding making the Well Site a nature preserve. She answered in the negative, but went on to say she had spoken with Mrs. Morran and informed her we are in the process of working on the five year master parks and recreation plan for the Town of Ellettsville. We are using the 2008 DNR requirements so we will be adding the Wells Park into our parks inventory. One thought of hers was to approach the Parks Department and develop a protocol and go through the list of letting them give their recommendation and support; then, perhaps to consider some sort of protective overlay in the zoning for the Well Site. She suggests looking at all of the different options and then bring that before the Town Council as one of our options – perhaps as a zoning ordinance. The nature preserve is a small area – less than 20 acres. That in itself presents some difficulties in designating it a DNR classified nature preserve. But, she thinks this is a good start. She stated they did notify the police department of the issue of cutting the tops of the trees. Phillip Smith informed Mrs. Morran that the Boy Scout Eagles have projects and this would be a perfect one for them. Keith Hoffman, a citizen in the audience, asked where the Well Site is located. Mrs. Morran explained to him where the site is located. Sandra Hash asked if the school owned the property up to the Well Site and Mrs. Morran stated she believed so. One of the students asked how long it would be to get an answer and Phillip Smith responded that the Town attorney was out of the country at the moment and they would have to wait for her return to start. However, he added that Connie Griffin is already doing a lot of the footwork on the project. Dan Swafford asked Rick Coppock if he had worked on any studies of the area in the past several years. He responded they had done some water testing at different points in time. Sandra Hash added that a group of IU students had done a study and mapped out the area. The Parks Board also had put down a mulch trail at one time. Mrs. Morran added the students helped with that trail as well. There was also an ecological study as a result of the I-69 Grant.

Inter-local Agreement between the Town of Ellettsville and Monroe County concerning animal control

Patrick Stoffers, Monroe County Commissioner – informed the Council that the agreement before them was an inter-local agreement between Monroe County and the Town of Ellettsville for the extension of animal management services within the corporate boundaries of the Town. The county commissioners adopted this on February 12 and they are present to seek the Council's approval. Phillip Smith noted the agreement was for \$10 for the year 2010 and asked if this is accurate and would it change for next year. Mr. Stoffers responded in the affirmative and stated those discussions would likely take place in the Fall when they were both approaching development of budgets. David Drake stated

he thought this was great they had taken this step in order to resolve this issue. His concern is what will happen next year. He asked if signing this agreement would obligate them beyond this year for a much larger amount of money. Mr. Stoffers answered that the term of this agreement is December 31, 2010. 2011 is an unknown and discussion regarding future agreements would be in the Fall, but he did not anticipate the County asking for \$25,000 next year. David Drake commented that he and Mr. Stoffers were on Town Council at the time it was paying the City of Bloomington for the animal shelter, which he now understood was a different issue. He then asked Mr. Stoffers how the Town stood in this regard with the City of Bloomington. Mr. Stoffers responded that the Town does not have an agreement with the City of Bloomington, but he understands that the City would not refuse animals no matter what the origin of the animal. Scott Oldham expressed concern over wanting more information from the County on what the runs are for in the Town. Mr. Stoffers answered they would be happy to get them the information they need. Scott Oldham went on to say it wasn't a question of what we are doing, its how much we are doing and why we're doing it, as opposed to where we are going. Mr. Stoffers commented that he lives here too and he wants to make sure we provide the services that the citizenry desires. He also remarked that from the point of view of the Board of Commissioners, they want to help and when it's in their power to do it, they go and do it. Dianna Bastin asked can they continue to do the research they have been doing and this agreement will not interfere with that so that we are in a position to negotiate closer to budget time. Mr. Stoffers suggested talking early in August to begin negotiations. Mr. Stoffers stated that the COIT hit will come and we will have to react to it. The tax caps question will be on the ballot – whether or not to make the tax caps permanent. There will be an impact in Monroe County. Scott Oldham stated there was a request from the County in 2009, which the Town met, and then there was an 85% increase in the request in 2010. He asked Mr. Stoffers if he could find out why there was such a sharp increase in the request from one year to the next. Mr. Stoffers answered that he would do that. Dan Swafford thanked Mr. Stoffers for the Commissioners' work on bringing this very affordable agreement to them. Sandra Hash asked to clarify how the figures would be calculated in order to come up with the agreement. When the Town negotiated the CATS agreement, they used the income from two years prior to come up with a current agreement. She asked would the animal control agreement be figured in the same way using two year old figures. Mr. Stoffers answered in the affirmative and went on to say that you could even use the runs through the first six months of this year, if you wish, as long as we work off the same reference point. Darlyne Sowder asked if the County code would now take over to provide rules for loose animals since the Town does not have an ordinance prohibiting it. Mr. Stoffers answered that if the agreement is adopted, then yes, the County ordinances would take effect in Ellettsville. Dianna Bastin raised a couple of questions she has received regarding this issue. She went on to say that Animal Control officers are very busy and they need to know where that animal is when they are called out. They cannot come to Ellettsville and wait for that animal to show up. Also, foxes, opossums, and other wild animals are issues for DNR and are not part of this agreement. Shelly Burns, a resident of Kelli Heights stated they were being overrun by pit bulls. She said they have torn her son's clothes and bit her dog. Phillip Smith informed her that she can always call the Ellettsville Police Department, especially if they are harming a child – call 911. Kate, a child in the audience asked what happens to the animals when they are caught. Scott Oldham answered they are taken to animal control and the owners are notified if possible. If not, they are held for a given amount of time, and then put up for adoption, if possible. Dan Swafford made a motion to adopt the agreement between the Town of Ellettsville and Monroe County concerning animal control for the year 2010. David Drake seconded. Roll Call Vote: Phillip Smith – yes; Scott Oldham – yes; Dianna Bastin – yes; David Drake – yes; Dan Swafford – yes. Motion carried 5-0.

Supervisor Comments

Sandra Hash informed the Council she received a fax from Citizens' Action Coalition stating they will be soliciting in Town from February 22 through the end of June. They will be going from home to home from 4:00 p.m. to 9:00 p.m. They had also informed the Ellettsville Police Department. She went on to say they canvas for economic and social issues and they ask for funds to support their cause.

Phillip Smith thanked the Street Department for their work during the recent heavy snow.

Dan Swafford asked Connie Griffin if Ellettsville has a kennel ordinance in the town limits. She responded if you have five or more animals, you must be zoned a kennel. Dan Swafford then asked Ms. Burns if there were more than that at this house. She responded they move the animals between homes and when they are checked by animal control, they’ve been moved to a neighbor’s house.

Dan Swafford wanted to once again thank the children for their presentation before the Council.

Adjournment

Phillip Smith entertained a motion to adjourn. Scott Oldham so moved. Dan Swafford seconded. Motion carried. Phillip Smith adjourned the meeting at 8:37 p.m.

Phillip Smith, President

Scott Oldham, Vice-President

Dianna Bastin

David Drake

Dan Swafford

Sandra C. Hash, Clerk-Treasurer