

## **February 23, 2004**

The Ellettsville, Indiana, Town Council met at 7:00 PM on Monday, February 23<sup>rd</sup>, 2004 at the Town Hall. President Patrick Stoffers called the meeting to order.

### **Purpose: to open the bids for the new Police Station**

The bids for the Police Station were opened and Sandra Hash read aloud. Below is a list of the Bidders and bid amounts.

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|--------------------------|---------------|
| • Court Street Companies | \$ 891,000.00 |
| • Eden Enterprise        | \$ 986,785.00 |
| • Strausser Construction | \$ 894,000.00 |
| • Building Associates    | \$ 903,663.00 |
| • Pyramid                | \$ 910,000.00 |
| • Patterson Horth        | \$ 952,000.00 |
| • Future Construction    | \$ 954,700.00 |
| • Neidigh Construction   | \$ 860,000.00 |

Patrick Stoffers asked for a motion to take the bids under advisement. William Evans made a motion to take the bids under advisement. Lisa Creech seconded. Motion carried.

### **Adjournment**

Lisa Creech moved to adjourn. David Drake seconded. Motion carried. Meeting was adjourned at 7:08 PM.

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The Ellettsville, Indiana, Town Council met in regular session on Monday, February 23<sup>rd</sup>, 2004 at the Town Hall. Patrick Stoffers called the meeting to order at 7:30 PM and welcomed new Council Member Bill Evans. Lisa Creech led in prayer and the Pledge of Allegiance.

**Roll Call:** Patrick Stoffers asked for roll call of the Council Members. Members present were Patrick Stoffers, President; David Drake, Vice-President; Lisa Combs-Creech; Phillip Rogers and William Evans. Also present were Sandra Hash, Clerk-Treasurer; Mike Spencer, Attorney and Rick Coppock, Town Engineer.

**Supervisors Present:** Jim Davis, Jim Ragle, Ron McGlocklin, Mike Farmer and Jeff Farmer.

### **Proclamations**

#### **Vera Acuff Day – February 24<sup>th</sup>, 2004**

Lisa Creech read the proclamation aloud declaring February 24<sup>th</sup> as Vera Acuff Day. William Evans made a motion to approve the proclamation. David Drake seconded. Motion carried.

#### **Phyllis Presson Day – February 27<sup>th</sup>, 2004**

Lisa Creech read the proclamation aloud declaring February 27<sup>th</sup> as Phyllis Presson Day and made a motion to approve the proclamation. David Drake seconded. Motion carried.

#### **Red Cross Month – The Month of March**

Lisa Creech read the proclamation aloud declaring the month of March as Red Cross Month and made a motion to approve the proclamation. David Drake seconded. Motion carried.

### **Approval of the meeting minutes for February 9<sup>th</sup>, 2004**

Lisa Creech moved to approve the minutes of February 9<sup>th</sup>, 2004. David Drake seconded. Motion carried.

**Action to pay Accounts Payable Vouchers**

Lisa Creech moved to pay the accounts payable vouchers. David Drake seconded. Motion carried.

**Announcement of Appointments**

Patrick Stoffers announced the following appointments he made on February 17<sup>th</sup>, 2004.

**Plan Commission:**

Terry Baker (Democrat) to serve a four (4) year term ending on 12-31-07  
Ed Bitner (Republican) to serve a four (4) year term ending on 12-31-07

**Board of Zoning Appeals:**

Terry Baker to serve a four (4) year term ending on 12-31-07

There are still 2 openings on the Board of Zoning Appeals. The Plan Commission and Town Council each have an appointment. Lisa Creech stated the Council's candidate is out of Town so this appointment will be delayed until the next meeting.

**Resolutions**

**Resolution 04-04 (b) to adopt a written Fiscal Plan and to establish a Policy for the provision of Town services to an annexed area (The Michael A. Harman, Thomas Harman and Julian Miller property)**

David Drake read the resolution in its entirety. William Evans made a motion to approve Resolution 04-04 (b). Lisa Creech seconded. Motion carried.

**Resolution 05-04 to acknowledge traffic control improvements on State Road 46 in the Town of Ellettsville established by the Indiana Department of Transportation**

Lisa Creech read the resolution in its entirety and moved to approve Resolution 05-04. David Drake seconded. Motion carried.

**Ordinances on Second Reading**

**Ordinance 04-02 Voluntary Annexation of the Michael A. Harman, Thomas Harman and Julian Miller property**

Sandra Hash explained this ordinance is for the voluntary annexation of 115 + / - acres on the west side of Ellettsville, on the south side of Hwy 46. They would like to retain the current zoning of (A-2) Agriculture-2. It will be assigned to Ward 1 for voting purposes. David Drake made a motion to adopt Ordinance 04-02. Phillip Rogers seconded. Motion carried.

**Ordinance 04-03 to amend title VII of the Ellettsville Town Code entitled "Traffic Code" (modifying the parking schedules for the 100 and 200 blocks of North Sale Street and the 100 block of South Sale Street)**

David Drake explained this ordinance addresses the concerns about the parking situation for the Ellettsville Post Office and the other businesses along this block. It changes the block to make all of the parking on the west side of Sale Street between Temperance and Vine Streets into twenty minutes parking spaces. All of the parking spaces on the west side of Sale Street from Vine to Main Streets are two hour except for the first and last spaces which are twenty minute. Lisa Creech moved to approve Ordinance 04-03. William Evans seconded. Motion carried.

Ron McGlocklin asked if new signage would be posted. Lisa Creech stated that Jim Ragle had assured her that it would be taken care of.

### **Old Business**

#### **Public Notice from the Indiana Department of Transportation concerning reconstruction of Hartstrait Road by Campbell's Park**

Lisa Creech read the INDOT public notice in its entirety. A map with the project description and location was included in the notice and it reads: "Description: The existing roadway of Hartstrait Road will be extended to intersect with Park Drive south of State Road 46. A new 10' x 6' concrete culvert will be constructed in the floodway of the tributary of Jack's Defeat Creek which the Hartstrait Road extension will cross. Location: The new culvert will be located approximately 100 feet upstream (south) of the confluence with the main stem of Jack's Defeat Creek."

Lisa Creech explained she had written a letter in support of the road reconstruction from the Town Council and Patrick Stoffers read aloud. It reads:

"Dear Officials for the Indiana Department of Transportation,  
We, the Town Council of Ellettsville, Indiana, do welcome you and thank you for your offer to put the extension for Park Street to Hartstrait Road back in place. We hereby give you our blessings to commence this project once the contract is approved. Sincerely, Patrick Stoffers, President, Town Council of Ellettsville; Lisa Combs-Creech, Member, Town Council of Ellettsville and Liaison to Park St. / Hartstrait Rd. Project".

William Evans made a motion to approve the letter. David Drake seconded. Motion carried.

Darlyne Sowder asked where the road would be constructed exactly and was concerned about losing the handicapped parking spaces at Campbell's Park.

Lisa Creech stated 100 feet according to the map and added she is in the process of contacting Jerry Barnes with Darlyne's request to retain two handicapped parking spaces on the park side of the road.

#### **Building Inspector, Jim Davis request for a waiver of the Town of Ellettsville's building permit fees for the new Fire and Police Stations**

Mike Spencer stated according to the bid specs no building permit fees were included and recommended waiving the building fees. Lisa Creech made a motion to waive the Building Permit fees for the new Fire and Police Stations. David Drake seconded. Motion carried.

### **New Business**

#### **Grievance Facts and Findings**

Ron McGlocklin explained that one of his deputy marshal's had lost three paid Town Holidays while off on Worker's Compensation from an injury acquired while on duty. He added he had requested a special meeting in December concerning this issue and they did not have a meeting. However, a Grievance Hearing was held this year with Grievance Officer Phillip Rogers, Sandra Hash, the employee and himself. He said the grievance was discussed and Councilman Rogers stated they would take the grievance under advisement and would establish the facts and findings from the Hearing.

Patrick Stoffers said Phillip Rogers had written a letter to the employee on February 11<sup>th</sup> concerning the findings from the Grievance Hearing which was held on February 4<sup>th</sup>, 2004. Patrick read a portion of the letter:

“The Ellettsville Town Code provides that ‘employees shall not be eligible for holiday pay if the employee calls in sick for the scheduled work day before or after the holiday.’ While (the Officer) was on leave he effectively called in sick during the work days before and after the holidays in question and therefore was not entitled to accrue any Holidays for the time he was on leave. Furthermore, the Ellettsville Town Code expressly states that ‘during a leave of absence benefits shall not accrue’. This particular application of the Ellettsville Town Code is entirely consistent with past practice of the town agenda in regards to similarly situated employees who were on leave.”

Patrick summarized the letter saying Phillip Rogers sustained the Council’s interpretation of the Town Code from a letter dated April 3<sup>rd</sup>, 2000 when a similar situation had occurred with another Police employee. Therefore, he denied the employee the three Holidays since he did not actually work the day before or after the Holiday. Patrick asked Mike Spencer if a vote needed to be taken.

Mike Spencer stated they needed to make a motion to approve the Facts and Findings from the Hearing.

David Drake made a motion to approve the Findings of Phillip Rogers in regards to the Grievance in question. Lisa Creech seconded. Motion carried.

William Evans stated he feels the Town Code needs to be reviewed.

Patrick Stoffers informed William Evans that currently the Town Supervisors are in the processing of updating the Town’s Personnel Policy in the Code.

#### **Privilege of the Floor**

**Chuck Radke**, representative for the Town of Ellettsville on the Monroe County Animal Control Commission informed the Council of the activities over the last few months. There is an ongoing project to review the City and County Ordinances on animals to make the City and County be consistent. They have a draft of the proposed changes, some of which deals with permits; commercial animal establishments; licensing and animal care. A committee has been formed from representatives on the Animal Control Commission and from the City. They will meet with the County Commissioners to review the proposed changes. The County Commissioners will decide whether to accept, reject or make modifications to the draft. Further discussion is planned for the March meeting.

#### **Supervisor’s Comments**

**Jim Davis** announced the ground breaking ceremony for the new fire station will be on March 4<sup>th</sup> 2004 at 2:00 p.m. He also thanked Ron McGlocklin for his help on the trailer fire in Lenzy Hayes. Ron drove the tanker truck for them. He also thanked Jay Humphrey for his help.

**Sandra Hash** informed the Council that last Wednesday she attended the Government Summitt for all of the elected officials in Monroe County. She summarized the different topics including hearing Barbara Clark and Judy Sharp tell about the pitfalls of reassessment on property taxes. The Mayor also introduced himself and explained he was in the learning process. She was also asked to speak and gave an update on the progress for the new Fire and Police Stations. Kirk White with Monroe County Emergency Management went over protocols for disasters.

She added Amber and herself will be attending training in Fort Wayne in April for the Indiana Leagues annual meeting.

**William Evans** stated it was good to be here and that he is the Liaison for the Police. He had a four hour meeting with Ron McGlocklin. He plans to meet with all of the Officers, Supervisors and employees of the Town.

**Lisa Creech** met with the Planning and Zoning Administrator Committee Thursday to review the twelve applications for the Planning and Zoning Administrator position and they have chosen four to interview. Two interviews are scheduled for Tuesday, February 24<sup>th</sup> and if necessary the others later. The Committee plans to have chosen someone by the next Council meeting.

**William Evans** read a thank you letter from Don Graham, resident of Delap Road to the Fire Department employees for their recent help during his accident. It reads:

“Dear Chief Davis, On February 5 I fell and broke my left ankle. My best friend called 911, within minutes four vehicles arrived. All those that came were quick, efficient and very professional. Due to the circumstances I did not get the names of those men that came to my aid. I want to thank all those that helped me. All residents that live in the Ellettsville area are very fortunate to have such dedicated men and women who work in emergency service. I also thank you and the two men who came to the house when I came home from the hospital to get me up the ice covered driveway to the house. Thank you very much Don Graham.”

**Adjournment**

Patrick Stoffers asked for a motion to adjourn. Lisa Creech moved to adjourn. William Evans seconded. Motion carried. Meeting adjourned at 8:07 PM.

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Patrick Stoffers, President

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David Drake, Vice President

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Lisa Combs-Creech

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William Evans

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Phillip D. Rogers

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Sandra C. Hash, Clerk-Treasurer