

**February 23, 1998**

The Ellettsville, Indiana, Town Council met in regular session at 7:30 p.m., Monday, February 23, 1998. Members present were Michael Cornman, President, Donald Ashley, and Patrick Stoffers. Mr. Cornman called the meeting to order. Donald Ashley gave the prayer.

COMMENTS:

OLD SEWER PLANT LAND:

Jack Goss informed the Council that the Cowden Group is interested in trading or buying the land where the old sewer plant was.

MINUTES AND CLAIMS:

Donald Ashley made the motion to approve the minutes and claims. Patrick Stoffers seconded. Motion passed 3-0.

OLD BUSINESS:

PROPOSAL FOR UNDER GROUND STORAGE TANK REMOVAL/CLOSURE  
UTILITY BUILDING-RICK COPPOCK:

Rick Coppock said this will be on the next meeting agenda

Steve Bartlett said he and Jim got with County Highway and at first they thought they was going to get the fuel for 65 cents a gallon, fueling at the County Highway. He went over today and had a meeting with them and it will be 85.6 cents a gallon, they charge use 9 cents a gallon maintenance fee. The taxes we can recoup at the end of the years, the Federal taxes to file for, we would know longer be able to file for that, Monroe County does.

Steve said he thinks they are better off going with Shell station as for as the police Station. He and Jim talked and they would like to try the Shell station like the State Police does, on credit cards. This will be billed monthly, detailed billing. Jim and Mike will be on tank to hold them over. There was more discussion on this matter.

Steve said Shell had quoted him a price before the last meeting of 96 cents a gallon. Mike Cornman asked if we would still get the 18 cents back. Steve said right.

There was more discussion on this.

Mike Cornman asked if every vehicle at the Police department would have a card?

Steve said it is issued to the car and there will be seven cards issued, issued to each unit and they will stay with the unit. With the detail billing they will be able to tell what unit the fuel is going into. Steve and Captain McGlocklin will be able to put fuel in the UC cars. He would like Council permission to at least put out the application to Shell. Donald Ashley made the motion we go ahead with the Shell. Patrick Stoffers seconded. Motion passed 3-0.

NEW BUSINESS:

VFW BUDDY POPPIES-JIM ARNOLD:

Jim Arnold said their annual Buddy Poppies are coming up again. The VFW is asking for approval to have their annual Buddy Poppies on Saturday May 16<sup>th</sup> is their primary and May 23 re is also a Saturday is a rain date. The time is 9 a.m. to 3 p.m. The would like to ask for donations at the stop light for donation for the Buddy Poppies.

February 23, 1998- Ellettsville Town Council Minutes Continued

Mike Cornman said just to make sure you know that we can't give permission for the Highway part, but for Sale Street.

Mike Cornman asked if there is a motion to approve the Sale Street road block issue? Patrick Stoffers so moved. Donald Ashley seconded. Motion passed 3-0.

Mike Cornman said he wants to commend your organization for all the work they have done in the Community. He has also seen in the paper where you had 100% membership again.

Jim Arnold said they are over 100%. The district as it is right now, and he is not suppose to know about this but on March 28<sup>th</sup> at their State Convention in Indianapolis Marriott, he is suppose to be getting an award. It will be the first time their VFW as gotten the All State Commanders award. Their district is finally recognizing them and the State is finally recognizing them.. He went before the Ellettsville Elementary School, Highland Park Elementary School, and the Stinesville Brownies, they all made hand made Valentines. He and Ed Hendricks and PJ Stevens took them to the VA Hospital in Indianapolis and handed them out. Some of the veterans actually cried.

Mike Cornman commended them and told them to keep up the good work and if there is anything the Council can do for them to let them know.

REYNOLDS INC. FINAL 2-20-98 COMPLETION CERTIFICATE:

Rick said Reynolds has submitted for final completion of the Waste Water Treatment Plant. Saying that all items have been completed. They would like to get their retainage released from the town. He talked with Gary Miller who was looking at something they did and still have remaining out there. The computers need to be delivered, printer, some site work repair, some seeding. We can hold up to 200% of those remaining items. The price for those came out to \$11,250 and 200% of that is \$22,500. What we would do it release all of their retainage except for the \$22,500. He thinks there is \$163,300 left in their retainage account. Also included with this is a change order for a deduct in the amount of \$4,421, it involves some of the training hours that they didn't feel they would be needing at the treatment plant on their computer systems. There is some engineering fees for the change in the oxidation ditch. R.W. Armstrong charged the town for that amount and their contract amount with the understanding that Reynolds would deduct the same amount in their contract, because it was their option to go -----, he doesn't remember the other requirements.

Mike Cornman asked if Reynolds is the one taking the hit on this or is it the SRF Fund? Rick said Reynolds is paying. The engineering part is \$1,921.00, so you are getting a deduct from Reynolds and so it just kind of washes out.

Rick Coppock said also to do with the change order is an extension of 60 days to get the grass growing and seeded and get some sidewalks ----. That is the only reason for the extension time. The plant has been operational ever since November 7<sup>th</sup>. The request is to approve the change order B-09 for a deduct of \$4,421 and an extension of time for 60 days. If you approve the Change Order you approve the extension of time. We are not going to give them final completion until the ----- are cleared up. We are releasing most of their retainage.

Mike Cornman asked for B-9, this will extend it and do the deduct, are we are going to give them the majority of the retainage? Rick Coppock said yes. Mike Cornman said do we have to do this separately? Rick said yes. It is not part of the change order.

Donald Ashley made the motion that we accept the change order B-9. Patrick Stoffers seconded. Motion passed 3-0.

February 23, 1998- Ellettsville Town Council Minutes Continued

Mike Cornman said is there a motion for releasing the retainage for Reynolds Inc. all except for \$22,500. Patrick Stoffers so moved. Donald Ashley seconded. Motion passed 3-0.

RICHLAND BEAN BLOSSOM YOUTH SPORTS-REQUEST FOR STREET  
CLOSING-BOB LOWERS:

Bob Lowers was not at the meeting. This will be tabled for the time being.

PROCLAMATION-AMERICAN RED CROSS MONTH:

Mike Cornman read the Proclamation.

Mike Cornman asked is there a motion to accept this proclamation? Patrick Stoffers so moved. Donald Ashley seconded. Motion passed 3-0.

ORDINANCE 98- 4 GENERAL GUIDELINE FOR WATER LINE RELOCATIONS:

Mike Farmer said there would be certain times when the Utilities Department is relocating a water service. Perhaps they can not relocate it in the exact place that it is existing. When we transfer service from one part of the property to another obviously if you have a meter in the front yard and we have to move it to the side yard, the service line from the meter to the house also has to be relocated. Due to the liabilities of working on other people's property's and just the logistics having the Utilities Department run what you would call private service line to the house. Sometime it would be better to just allow for refund or rebate to the customer and allow them to do the work. They are the agent that contracts with a local plumber to move the line. There was more discussion on this.

Mike Farmer said that basically it is just a tool that allows us to help customers when we force upon them the movement of their service line.

Mike Spencer said this was faxed to him today and Mike would like to get this passed tonight and he thinks that is fine. He would like to propose an amendment later so that he can find a section to get this in the Town Code.

Mike Cornman read Ordinance 98-4.

Mike Cornman asked is there a motion for submission for first reading?  
Donald Ashley so moved. Patrick Stoffers seconded. Motion passed 3-0.

Mike Cornman asked is there a motion that Ordinance 98-4 be adopted on the same day at which it is introduced. Donald Ashley so moved. Patrick Stoffers seconded. Motion passed 3-0.

Mike Cornman said is there a motion to move that Ordinance 98-4 be adopted. Donald Ashley so moved. Patrick Stoffers seconded. Motion passed 3-0.

NORTHERN SEWER CONTRACT-FINAL RATE AGREEMENT:

Tabled. Mike Spencer will call them this week.

FILING OF A PETITION WITH THE INDIANA UTILITY REGULATORY  
COMMISSION (IURC) AGAINST BEAN BLOSSOM PATRICKSBURG OVER  
WATER JURISDICTION:

Mike Cornman said we did receive a response back. This time we need to set a course of action to move ahead with what is on the agenda or table again pending further discussion?

Rick Coppock said their response really didn't respond to any thing other than they didn't actually ask to set up a meeting. He just read it a few minutes ago and it really didn't say much at all. They have some question about what we wanted to do. It was pretty vague; it didn't make any reference to jurisdictional issues. It more or less just dealt with their up coming project and it talked about what kind of cost might be incurred. We have 2 courses of action, he guesses, go ahead a file our petition and then meet with them over the table until March. They really don't give us any indication as to what their board's feelings might be concerning this issue, jurisdiction or the West Side of Ellettsville. He has not talked to Phil Bastin. There was some discussion.

Mike Cornman said do we know the time frames with their construction start date?

Mike Farmer said they were talking about having pipe laid within 2 or 3 months, not all of it. They acted liked when we were at the meeting the other day, did they not confer that by mid summer they would be will into their project.

Mike Cornman said he would like to suggest is since we just opened the letter 30 minutes ago is that we do table this but also we would like to schedule a special meeting for next Monday night to come to a conclusion what our actions are going to be. We need some time to look at this and Mike (Spencer) needs to look at it.

Mike Spencer wanted to see the letter.

#### RESOLUTION 2-98 TRANSFER OF FUNDS:

Mike Cornman read Resolution 2-98. Mike Cornman said is there a motion for Resolution 2-98? Donald Ashley so moved. Mike Cornman said motion to approve correct? Donald Ashley said motion to approve. Patrick Stoffers seconded. Motion passed 3-0.

#### COMPUTER AND SOFTWARE 2000 COMPATABLE:

Tabled

#### FILING OF A PETITION WITH THE INDIANA UTILITY REGULATORY COMMISSION (IURC) AGAINST BEAN BLOSSOM PATRICKSBURG OVER WATER JURISDICTION: (CONTINUED FROM ABOVE):

Mike Spencer said the first thing you need to be aware of is this is written by Richard Rence, who is a partner in his brothers law firm. His reaction is that it just asks questions in response to your questions. There is no provision for needing to address these issues. He understands that they may have some questions and they may be legitimate questions but there ought to be a proposal, lets meet and talk about this, and that is not there. One of the things you need to be made well aware of is that if in fact they get started you are placed at a disadvantage.

Mike Farmer said due to the importance of what we want to establish here as far as jurisdictional lines and future expansion of our system. To wait is to jeopardize those goals for future expansion. He says we proceed with our plan. Just because we file an injunction doesn't mean we are not willing to negotiate at a later date. Mike (Spencer) just said we could jeopardize what we do in the future. He could limit our options. This is a very important issue. Like a grievance is to a Union person, this injunction does not have to have complete negative condemnation. Just because we file an injunction does not mean we are not willing to negotiate.

Donald Ashley said he thinks we need to file this petition. By filing this petition we are also willing to talk about this. He thinks we would set a time at a latter date and negotiate or talk with them and try to answer what questions they have. He doesn't think we can stall filing the petition.

Patrick Stoffers said waiting would be a poor idea under the circumstances.

Mike Cornman asked is there a motion to file the petition with the Indiana Utility Regulatory Commission against the Bean Blossom Patricksburg Water Company on water jurisdiction? Donald Ashley so moved. Patrick Stoffers seconded. Motion passed 3-0.

FILING OF A PRELIMINARY INJUNCTION AGAINST BEAN BLOSSOM PATRICKSBURG OVER THEIR WATER EXPANSION PROJECT:

Mike Cornman said the intent as he understands would be to at least wait until the URC has made a determination?

Mike Spencer said no. His proposal was to file it the day after the petition for the IURC was filed. It is not to wait, quite the contrary it is to get that on file, if not simultaneously.

Mike Cornman asked is there a motion to file preliminary injunction against Bean Blossom Patricksburg Water Company over their water expansion project? Donald Ashley so moved. Patrick Stoffers seconded. Motion passed 3-0.

Mike Spencer said he will file the preliminary injunction. He will have ----- file the petition with the IURC. He will file the day after the petition is filed with the IURC.

ORDINANCE 98-5-WATER RATE ORDINANCE:

Mike Cornman read Ordinance 98-5 by title only. This is the new water rate.

Mike Cornman said is there a motion that Ordinance 98-5 be submitted for first reading? Donald Ashley so moved. Patrick Stoffers seconded. The Clerk had a roll call vote. Patrick Stoffers, aye, Mike Cornman, aye, and Donald Ashley, aye. Motion passed 3-0.

Mike Cornman asked is there a motion that Ordinance 98-5 be adopted on the same day at which it is introduced? Donald Ashley so moved. Patrick Stoffers seconded. The Clerk called the roll call vote. Patrick Stoffers, aye, Mike Cornman, aye, Donald Ashley, aye. Motion passed 3-0.

Mike Cornman asked is there a motion the Ordinance 98-5 be adopted. Donald Ashley so moved. Patrick Stoffers seconded. The Clerk called the roll. Patrick Stoffers, aye, Mike Cornman, aye, and Donald Ashley, aye. Motion passed 3-0.

SUPERVISORS:

POLICE DEPARTMENT-STEVE BARTLETT:

Steve would like to get the Councils permission to research and possibly buy a used patrol vehicle. The 87 that they have Kevin turned it on the other day and it blew every bulb in it. He talked to Algood and they have some trade ins coming in, 94 and 95's.

Mike Cornman asked him the price range. Steve said between 4 and 6 thousand. Mike asked him where he would get the money from. Steve said he didn't know he would have to look. He will go through the budget and see what he has. There was more discussion on this matter.

Steve said they need a back up and the vehicle that they purchase, if they purchase one will be for used for part times and for a back up unit.

The Council has no problem with him researching this.

#### UTILITY DEPARTMENT

Mike Farmer said the Utilities Department took possession of Vactor Combo Sewer Cleaning machine today and training will start tomorrow. The Company that sold it to them will give them some hands on training. There will be future schooling and they will pay to send a couple of their people over to Illinois for a 3-day schooling. It should be able to clean every sewer in Ellettsville within the year and hopefully do most of the root cutting also. The machine is capable of not only cleaning sanitary sewers but storm sewers as well.

Mike said they also took possession of the Backhoe, hoe ram. They have it hooked up to the back hoe and are planning on using it tomorrow.

Mike said the water tower is now on and activated. Not including the pressure-reducing valve, they are still working on that.

Rick said what the PRV valve will do it is going to provide another source of water to the downtown area from coming down McNeely Street and down Matthews. Before that line was just a dead end line that came across the creek. There was more discussion on this.

Mike Farmer informed the Council that the Old Sewer Treatment plant is now officially gone.

Jim Davis said he thinks now that the new water tank is on line, somebody should notify ISO, with both the water tank being on line and the fact that we hired several fire fighters last July one and see if maybe we could ask for a recertification and see if we can gain that other one tenth of a point that we missed by getting a ISO rating of 5. We are at 6 now.

#### UTILITY BUDGET FOR 1998:

Mike Farmer made the following request due to a clerical error; the budget was left off tonight's agenda. He is asking permission to allow it to be presented.

Mike Cornman said is there a motion to add the Utility Budgets to the agenda for tonight's meeting? Donald Ashley so moved. Patrick Stoffers seconded. Motion passed 3-0.

Rick Coppock went over the sewage budget with the Council.

Rick also went over the Revenues they will receive as per Umbaugh's report.

They have a new employee proposed for the wastewater treatment plant to take care of the solids handling portion of the plant. This person would be funded out of the budget. Although that solids handling will generate money for the town and offset the cost of that person. We already have a half person in here. The labor for the town's utilities is split between water and sewer so they added half of person here and they anticipate they will have it titled like a working foreman. It will actually be a guy who can go out there direct crews and actually get the work done himself. There was more discussion on this. They also have \$10,000 for overtime.

February 23, 1998- Ellettsville Town Council Minutes Continued

Mike Farmer said in the operations and maintenance, the operating labor, the labor they anticipate using for day to day business is like \$45,700. When we get to the water budget that same cost is like \$126,000.

Rick said what they did was they looked at what they thought their primary focus was going to be this year. They didn't split the employees up fifty fifty, they split them up seventh five percent of the wages and benefits to water, twenty five percent to sewer. They have quite a bit of work to do in the water portion.

Mike Farmer said that is for the regular full time employees. As you can see we have \$20,000 in temporary labor.

Rick went over the rest of the sewer budget with the Council.

Rick what they are going to do, he talked with Ty Connor at H.J. Umbaugh and they are going to do quarterly reports to track how they are doing on the budget.

Rick Coppock went of the water budget with the Council and the Revenue from the Umbaugh report.

Rick said there is one thing they would like to request. The Town has a service truck that doesn't fit the needs of the Utility Department. They have someone that is willing to purchase that truck, which is the Monroe County regional sewer district. They would like to have a inter local agreement with them to sell that truck. They anticipate they can get \$20,000 for the truck.

Mike Farmer said last year there was in the budget to purchase an air compressor for \$15,000. It was never purchased and basically we have an air compressor going out you can only run it for about 10 minutes. They want to sell the service truck which doesn't suite their needs, buy a new service truck with a built in air compressor, it will be a ton and a - 7 -half vehicle (price \$48,000). They are not going to hardly loose any money from the resale of the old truck. There was more discussion on this.

They continued going over the Water budget and discussing it.

Rick Coppock said that with the purchase of the Vactor truck they will sell the Jet Rodder. They will be selling that to probably some other community. Rick wanted to know what kind of action to get ride of the -----. Mike Spencer asked how much money? Mike Farmer said he would say we would have to declare it surplus. Rick said it is probably 10 to 12 thousand dollars.

Mike Farmer said we might be able to get as much as 10-12 or maybe even more from the sale of this. If we find another city or municipality that wants to buy it we might go ahead a declare it surplus and sell it direct. They plan on having this spring, he talked to Jim Ragle and the other departments, and they are looking at a city auction and get ride of all their surplus.

Rick Coppock said so we need to declare the Jet Rodder and the Service Truck surplus property.

Mike Cornman wants to know what is in the plans for hiring additional people.

Rick Coppock said we have one full time additional person for a working type foreman, who has a license for water. A full time person at the waste water treatment plant, which will be solids handling. There was more discussion.

Mike Farmer said they have 4 operational people now and one-meter reader. This is just not enough to get anything done. He would like to utilize TFT help and work them about 9 months. There was more discussion on this.

Mike Cornman said the thing to keep in mind and make sure you review the personnel policy on hiring policies of the town. He things temporary full time is only 6 months.

February 23, 1998- Ellettsville Town Council Minutes Continued

Make sure you review all that first, and also the job posting and what we require and amendment to the salary ordinance.  
There was more discussion.

Mike Cornman said he recommends this approval of the Municipal water Utility and Sewage Works budgets, is there a motion to that effect for 1998. Patrick Stoffers so moved. Donald Ashley seconded. Motion passed 3-0. They will do this again in November for 1999.

ADJOURNMENT:

Donald Ashley made the motion to adjourn. Patrick Stoffers seconded. Motion passed 3-0.

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Michael D. Cornman  
President

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D. Geraldine McIntyre  
Vice President

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Donald Ashley

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Patrick Stoffers

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Gina M. Hawkins

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Diana K. Evans  
Clerk-Treasurer