

## February 27, 2017

The Ellettsville, Indiana, Town Council met for a regular meeting on Monday, February 27, 2017, at the Fire Department Training and Conference Room. Scott Oldham called the meeting to order at 6:30 p.m. Dianna S. Bastin led the Pledge of Allegiance followed with a prayer by Scott Thomas.

**Roll Call:** Members present were Scott Oldham, President; Dianna S. Bastin, Vice President; Kevin Farris, Scott Thomas and Brian Mobley. Sandra Hash, Clerk-Treasurer; Darla Brown, Town Attorney; and Rick Coppock, Bynum Fanyo and Associates, Town Engineer; and Jim Davis, Town Manager, were also present.

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

### Approval of Minutes

Scott Oldham entertained a motion for approval of the minutes for the regular meeting on February 13, 2017. Kevin Farris so moved. Scott Thomas seconded. Motion carried.

### Accounts Payable Vouchers

Scott Oldham entertained a motion for action to pay Accounts Payable Vouchers. Dianna S. Bastin so moved. Mr. Mobley and supervisors commented on claims. Mr. Mobley mentioned credit card fraud. Ms. Bastin asked if there was a problem with fraudulent use of the credit card based on his comments. Mr. Mobley answered no, there was in the past. Kevin Farris seconded the motion. Motion carried 4-1, Brian Mobley opposed.

### Appointments

#### Ellettsville Building Corporation Board of Directors

**Darla Brown, Town Attorney,** announced David Drake will fill the vacant seat on the Board.

Scott Oldham entertained a motion to appoint David Drake to the Ellettsville Building Corporation Board of Directors. Dianna S. Bastin made a motion to appoint David Drake to the Ellettsville Building Corporation Board of Directors. Scott Thomas seconded. Roll call vote: Kevin Farris – yes; Scott Thomas – yes; Brian Mobley – yes; Scott Oldham – yes; and Dianna S. Bastin – yes. Motion carried.

### Resolutions

#### Resolution 05-2017 Additional Appropriation

**Sandra Hash, Clerk-Treasurer,** explained this resolution allocates a 2% raise for employees. The raises total \$35,000 in the General Fund and \$6,300 in Motor Vehicles Highway. There is cash balance available to cover the increase. Mr. Oldham asked if the cash balance is sufficient to make it retroactive to January 1, 2017. Ms. Hash answered yes, the additional appropriation allows for it.

Scott Oldham entertained a motion to accept Resolution 05-2017 Additional Appropriation. Dianna S. Bastin made a motion to accept Resolution 05-2017 Additional Appropriation. Kevin Farris seconded. Roll call vote: Kevin Farris – yes; Dianna S. Bastin – yes; Scott Oldham – yes; Brian Mobley – yes; and Scott Thomas – yes. Motion carried.

### Ordinances on Second Reading

#### Ordinance 2017-02 to Amend the Stormwater System User Fee Base Rate

**Darla Brown, Town Attorney,** explained at the last meeting changes were made to the ordinance as follows:

**Section 1.** Section 52.134 of the Ellettsville Town Code is hereby amended to read as follows:

**§52.134. Schedule of rates.**

*The storm water system user fee base rate shall be Four Dollars (\$4.00) and will first be reflected on the utility bills distributed in June 2017.*

**Section 2.** This ordinance takes effect following its final publication according to the procedure specified by Indiana Code 5-3-1.

**Section 3.** *This ordinance was passed and adopted by the Town Council of Ellettsville, Indiana, at the Ellettsville Fire Station, Fire Department Conference Training Room, Bloomington, Indiana, on the 27<sup>th</sup> day of February, 2017 (provided it is passed at this meeting).*

The statute allows the Town Council to modify the ordinance after public hearing and consideration.

**Brian Mobley** stated this is an avenue for the Town to raise money to assist with flooding projects as mentioned by the Indiana Department of Natural Resources (“DNR”).

**Mae Cassidy** owns property downtown and hopes they will give the ordinance serious consideration. Her property is worthless until something is done about the flooding.

**Carl Thurman** has a residence and business in downtown Ellettsville and flooding does effect it when it breaks over the creek bank. He appreciates anything that could be done to alleviate the problem.

**Darlyne Sowders** owns three parcels along the highway in downtown Ellettsville. She has spoken with the Town Engineer about flooding at her place because she believes her drains set too low to catch the water before it comes into her building. The Town Engineer said he would look at it but she has not heard anything. Everything possible needs to be done to keep the water out of their buildings. Her building took in 10” on December 21, 2013, and has taken on substantial amounts of water since that time. She has been there for 38 years and there have been lots of 100 year floods. Something needs to be done.

**Brian Mobley** received an email from Chad Stephens who couldn’t attend the meeting but advised he is in favor of the ordinance and that the money would be earmarked for flooding.

**Scott Oldham** asked Mr. Mobley if he would be amenable to tabling this until they can rectify all of the ongoing water and sewer issues at one time. Mr. Mobley agreed.

Scott Oldham entertained a motion to table. Kevin Farris so moved. Brian Mobley seconded. Roll call vote: Scott Oldham – yes; Dianna S. Bastin – yes; Kevin Farris – yes; Scott Thomas – yes; and Brian Mobley – yes. Motion carried.

### **Ordinance 2017-03 to Amend Ordinance 2016-14 Fixing of the Salaries for Budget Year 2017**

**Sandra Hash, Clerk-Treasurer**, explained the salary ordinance has been amended to reflect a 2% increase for everyone.

Scott Oldham entertained a motion to approve Ordinance 2017-03 to amend Ordinance 2016-14 Fixing of Salaries for Budget Year 2017. Dianna S. Bastin made a motion to approve Ordinance 2017-03 to amend Ordinance 2016-14 Fixing of Salaries for Budget Year 2017. Kevin Farris seconded. Roll call vote: Scott Oldham – yes; Dianna S. Bastin – yes; Kevin Farris – yes; Scott Thomas – yes; and Brian Mobley – yes. Motion carried.

**Sandra Hash** advised the ordinance takes effect the date of approval so the raise will be from this point forward rather than the beginning of the year.

Scott Oldham made a motion to amend it to be retroactive. Kevin Farris seconded.

**Scott Thomas** confirmed the funds are available to make the raises retroactive. Ms. Hash answered yes, through the additional appropriation.

Roll call vote on the aforementioned motion. Roll call vote: Scott Oldham – yes; Dianna S. Bastin – yes; Kevin Farris – yes; Scott Thomas – yes; and Brian Mobley – yes. Motion carried.

## **Old Business**

### **Flood Report**

**Brian Mobley** emailed committee members to inform them that once the stormwater fee increase is approved they will have a meeting with Rick Coppock to prepare the scope of work and what it will cost to move forward. Mr. Oldham asked which phase. Mr. Mobley answered they will know after the meeting with Mr. Coppock.

## **New Business**

**Agreement with Richland-Bean Blossom Community School Corporation (“School”) Regarding School Resource Officer**

**Town Marshal Jimmie Durnil** provided a contract for 2016/2017 and a two year contract for 2017/2018 and 2018/2019. The Clerk-Treasurer requested the two year contract because there is an issue when it transfers over. The contract is straight forward and provides for a 90 day notification for either party to opt out should the school not get their funding or the Town can’t afford it.

**Scott Oldham** asked Ms. Brown if they can agree to contracts into 2019 because of Town Council members up for re-election in 2018. Brown doesn’t think there’s anything wrong with this Town Council entering into contracts that bind the Town in the future, particularly with the provisions that allow either party to opt out. Marshal Durnil requested both contracts be approved. Mr. Farris asked if the contract is between the School and the Town. Marshal Durnil answered yes. Ms. Hash added the School gets a grant and as long as it is available and they want to secure the contract. Ms. Bastin asked if it is to run through June 30, 2019. Marshal Durnil answered yes. Mr. Thomas asked if the grant amount covers all of the costs. Marshal Durnil explained the School covers \$50,000 and the Town is responsible for \$15,000 to \$18,000 yearly.

Scott Oldham entertained a motion to enter into an agreement with Richland-Bean Blossom Community School Corporation regarding the School Resource Officer through June 30, 2019. Dianna S. Bastin made a motion to enter into an agreement with Richland-Bean Blossom Community School Corporation regarding the School Resource Officer through June 30, 2019. Kevin Farris seconded. Roll call vote: Brian Mobley – yes; Scott Thomas – yes; Kevin Farris – yes; Dianna S. Bastin – yes; and Scott Oldham – yes. Motion carried.

**Town Hall Change Order**

**Jim Davis Town Manager**, explained the architect left emergency outdoor lighting above each exit out of the blueprints so it wasn’t bid but is required. The cost is \$1,650 and there is not a markup. One more change order for a horn in an alarm system will be required. Both state and county code requires these items. Mr. Oldham asked if there are funds to cover these items. Mr. Davis answered yes.

Scott Oldham entertained a motion to accept the Town Hall Change Order No. 2 for \$1,650. Kevin Farris made a motion to accept the Town Hall Change Order No. 2 for \$1,650. Scott Thomas seconded. Roll call vote: Scott Oldham – yes; Dianna S. Bastin – yes; Kevin Farris – yes; Scott Thomas – yes; and Brian Mobley – yes. Motion carried.

**Term Limit for Town Council Members – Scott Thomas**

**Scott Thomas** wants feedback from Town Council members and the public. Public sentiment in the nation is changing to term limits. Personally, he thinks there should be term limits because the President serves two terms and it should trickle down to town councils. According to papers written by our founders the intention of political office was to come in, do a service and leave so as not to be career politicians. He has heard several people say they have an interest in it being adopted on a local level. It can prevent stagnancy on different issues with any person or group of people maintaining office for a long period of time.

**Kevin Farris** asked if Monroe County Council has term limits. Mr. Oldham asked if this is something Town Council can do because it is specified in state law. Ms. Brown answered typically, a municipality can enact an ordinance that is more restrictive than state code. However, the discussion is about elections. She doesn’t have the answer at this time. Mr. Thomas asked Ms. Brown to research it.

**Memorandum of Understanding for the Peters Property on Main Street – Leasa Siscoe**

**Lease Siscoe, President of Ellettsville Main Street, Inc. (“Main Street”)**, introduced Chris Fisher, Treasurer and Heritage Trail (“Trail”) Chairperson, also attending the meeting. Ms. Fisher drafted the Memorandum of Understanding between Main Street and the Town of Ellettsville. Their organization has worked successfully over the last 15 years to apply for grants and design and construct Phase I of the Trail. They’re presenting an

idea to augment Trail benefits. They appreciate the dedication of the Town and its departments for creating a well-respected and adored Trail. They are seeking to acquire the Mark and Debbie Peters property that abuts the northeast side of the Trail. They would like to see it used for individuals with disabilities and elderly parking. Ms. Fisher has been in communication with the Peters and they are considering selling it to Main Street. Main Street met with Jim Davis, Danny Stalcup, Jimmie Durnil and Mike Farmer to discuss the feasibility of purchasing the property and turning it into a parking lot, green space and easy access to the Trail. The consensus was it made sense and they are requesting approval of the Town Council. Their vision of the Peters property is to provide access for the elderly and individuals with disabilities, add beauty and ensure future upkeep of the Trail, prevent the property from being used for other functions not related to parks and recreation, continue to increase tourism and economic vitality for Ellettsville businesses, and add to the quality of life for residents, businesses and visitors to the downtown area. In consideration for the cost to purchase, Main Street will purchase the property with leftover matching grant funds from previous Trail fundraising efforts. Main Street was awarded a \$20,000 grant as part of the Community Foundation of Bloomington/Monroe County 2016/2017 Impact Funding Initiative. Monies come to the foundation from the Smithville Charitable Foundation. They are requesting the Town's approval to obtain the funds to purchase the property. Future costs for development of the property would be determined by the Town of Ellettsville. Main Street would like to work with the Town in a joint venture to continue to make improvements to the Trail and other aspects of the downtown community. Purchase of the property includes a two-car garage for which they are requesting access for storage and activities. The Peters are the only people who own property between trail and Main Street. It is 1.71 acres. They have spoken with Rick Coppock about the design of the parking lot and he suggests parking for 10 cars and a surface with permeable pavers to allow water to pass through so as not to increase stormwater runoff. The parking lot will have to stay at the same level it is now because it is in a floodway. The purpose of the Memorandum is to secure Town Council approval to accept the Peters property from Main Street after they purchase it. There will be no liens or encumbrances of the property by Main Street to the Town and no obligations of Main Street for payments, repairs or maintenance to the Town for the property. More specific details will have to be determined as they make the gift to the Town. They are requesting the Memorandum of Understanding be approved before they enter into the purchase contract with the Peters. Their goal is to make Ellettsville a destination and welcoming community.

**Dianna S. Bastin** clarified Main Street wants to purchase the property but wants the garage to be entirely for the use of Main Street. Ms. Fisher answered no. Main Street is in need of storage and the garage is for this use. They think the garage would be a good starting point for entry to the trail and they want access to it. The garage would belong to the Town and they want the ability to use it for Main Street functions and storage. This is one of the reasons they want the Memorandum of Understanding. Mr. Mobley asked if Main Street will maintain the garage. Ms. Fisher answered no, the Town would maintain it. Main Street does not want to own or maintain property because they don't have the funds or people. They're purchasing the property as a gift to the Town and are requesting use of the garage. Other groups can use the garage if they're having events on the Trail. Mr. Oldham thinks this is a generous offer but is concerned in 10 to 15 years the Town will have to do something significant including removing the garage which will leave the Town with a Memorandum of Understanding for something no longer standing. Ms. Fisher doesn't think the garage falling down or another use for the property is an issue. If it was discussed with Main Street they would remove their items from the garage.

**Darla Brown, Town Attorney**, advised the Memorandum of Understanding is to get the ball rolling. It is her understanding that Main Street doesn't want to approach the Peters and negotiate for the donation unless they know the Town is interested. The section pertaining to the garage and storage states "*The details will be separate from this understanding.*" This does not prohibit the Town from entering into a separate agreement or contract with Main Street with regard to the use of the garage. Mr. Oldham asked if the Peters own to the east of the garage. Ms. Fisher replied they own the entire property and Main Street doesn't want the duplexes. Mr. Oldham asked if the remainder of the property will be landlocked. Ms. Fisher answered no, it has its own driveway. Mr. Oldham asked

if the state will make the temporary driveway cut permanent. Mr. Coppock added it is already a driveway cut and can continue to be used. Mr. Farris asked if it is a residential cut. Mr. Coppock answered yes, it would probably have to be increased to 24' for a commercial cut and it has sufficient sight distance. Mr. Oldham asked if by being a municipality the Town is bound by the driveway cut. Mr. Coppock answered yes, the Town would be bound to get an Indiana Department of Transportation ("INDOT") permit and they would consider it a commercial cut.

**Scott Thomas** appreciates the work done thus far. He would like to know before the Town enters into an agreement if the garage is structurally sound. The Town is trying to get out of floodways and maintaining a property in one is opposite of what they're trying to achieve. Ms. Fisher does not recall water being there and the Peters have not mentioned the property flooding. Mr. Thomas asked if this is one of the areas that was proposed by the DNR to be dug out. Mr. Thurman answered the DNR said it would be too much but there was a small area along the bank that could be excavated between the Trail and the creek. Mr. Coppock suggested it could be done the same time the parking lot is built but it won't make a substantial difference. Mr. Thomas asked if the permeable pavers will increase flooding. Mr. Coppock replied there won't be an increase because the water will go through the pavement. Permeable pavers aren't considered a hard surface. It is not classified as an impervious area that decreases runoff. Mr. Oldham asked the cost of the paver. Mr. Coppock answered they'll cost more than concrete or asphalt and they're not cheap but there are different ways to create the necessary parking. Mr. Thomas asked if the Park Board has the money in their budget for this expense. Ms. Hash answered not at this time. Ms. Siscoe added it was discussed in the feasibility meeting that they first need to acquire the property and if they couldn't make the improvements in the first year they would have more time to plan. There may be a grant available to assist with improvements. Main Street helped to get the Trail to where it is today and it is now under the purview of the Parks Board. Main Street wants to continue to help when it can.

**Town Marshal Jimmie Durnil** advised the Parks Board is not in a position to fund the parking area this year. Ms. Hash reminded everyone when the Trail was built a large amount of money was removed from the Parks Board budget and it will take a while to build it back up. Marshal Durnil stated the Parks Board is spending money on remodeling Town Hall. Mr. Mobley asked about traffic flow and people slowing down to park. Marshal Durnil doesn't think it will be an issue because the cut will be wide enough for cars to turn off of the road quickly.

**Leasa Siscoe** commented Main Street has been awarded the grant but does not have the money in hand. They won't receive the money until they have acquired the property. They want the project to move quickly so they can negotiate on the purchase and gift it to the Town. Ms. Fisher added they have a year to prepare a plan for how they're going to spend the money.

Scott Oldham entertained a motion to accept the Memorandum of Understanding for the Peters Property on Main Street. Kevin Farris made a motion to accept the Memorandum of Understanding for the Peters Property on Main Street. Dianna S. Bastin seconded. Roll call vote: Scott Oldham – yes; Dianna S. Bastin – yes; Kevin Farris – yes; Scott Thomas – yes; and Brian Mobley – no. Motion carried, 4-1.

## **Council Comments**

**Dianna S. Bastin** had an opportunity to visit where Utilities is running pipe for the new waterline at a new site on private property. It is a two year large project and it runs across farm country. When the project is completed you won't be able to tell they were there. It was interesting work.

**Scott Thomas** noticed the trail going through the property on Hartstraight Road is open. He talked with the person who owns the cattle who advised he had been told the Town wasn't going to renew his contract this year. Mr. Oldham explained the county wants a fence around the trail. The county expressed concern about having cows close to the fence. Mr. Davis conveyed to the gentleman who leases the property that if he can find another place to take those cows he should do so. He's not going to be cut off. Mr. Thomas has heard the county isn't paying for the fence and the Town won't either so his contract won't be renewed accordingly.

**Scott Thomas** asked if they need to schedule an Executive Session to discuss the emails about the waste water rate change and prepare a plan for going forward. After a discussion, it was decided to tentatively schedule an Executive Session on March 7, 2017, at 6:30 p.m. at the Fire Department Conference Room.

**Scott Thomas** thanked Brian Mobley, members of the Flood Committee, Rick Coppock and those involved in the flood abatement process. It is a huge issue for the Town. Thank you for the people who spoke tonight. He has seen more movement in the last month or two than all of his years on Town Council.

**Brian Mobley** mentioned the loss of two thirteen year old girls from Delphi, Indiana. It’s heartbreaking. One of the girls was a hero because she had training to use her cell phone. He wants to get with Marshal Durnil and perhaps hold a clinic for children on how to protect themselves and be safe. This is something that needs addressed and can happen anywhere.

**Town Manager’s Comments**

**Jim Davis, Town Manager**, announced the furniture for new Town Hall will be in on March 9<sup>th</sup> or 10<sup>th</sup>. The furniture will be put together on March 11<sup>th</sup> and 12<sup>th</sup>. Utilities and Planning will start moving their things to the new Town Hall from March 13<sup>th</sup> through March 17<sup>th</sup>. Mike Farmer has proposed March 20<sup>th</sup> to be the last day Utilities will be at Smith Pike Plaza. Everything else will be moved from March 21<sup>st</sup> through March 22<sup>nd</sup>. Town Hall will be closed on March 21<sup>st</sup> and March 22<sup>nd</sup>. The Clerk-Treasurer will put out a notice at the Town Council meeting on March 13<sup>th</sup> to remind people. The Town Council meeting on March 27<sup>th</sup> will be held at the new Town Hall.

**Supervisors Comments**

**Fire Chief Mike Cornman** has a part-time firefighter, Kip Day, who has worked for the Town for 15 years and is now going to take a lesser role. He has been a dedicated employee and is fun to work around. They interviewed James Warren to fill the part-time position. Mr. Warren is a full time firefighter in Marion County and lives in Ellettsville. He is recommending Mr. Warren for part-time employment with the Town at the entry wage for part-time firefighters. Mr. Oldham asked why Mr. Warren would start at the beginning wage if he is a professional firefighter somewhere else. Chief Cornman answered he has been out of practice for many years but he does come highly qualified with additional certifications. However, part-time firefighters aren’t eligible for certification pay. He has no issue with his 10 years of service to put him at the top of a pay scale. Mr. Warren is an EMT.

Scott Oldham made a motion to hire James Warren at a wage to be determined by the Chief because of the skillset. Dianna S. Bastin seconded. Roll call vote: Scott Oldham – yes; Dianna S. Bastin – yes; Kevin Farris – yes; Scott Thomas – yes; and Brian Mobley – yes. Motion carried.

**Fire Chief Mike Cornman** presented the Fire Department’s Annual Report.

**Adjournment**

Scott Oldham entertained a motion to adjourn. Dianna S. Bastin so moved. Brian Mobley seconded. Scott Oldham adjourned the meeting at 7:47 p.m.

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Scott Oldham, President

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Dianna S. Bastin, Vice-President

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Scott Thomas

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Kevin Farris

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Brian Mobley

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Sandra Hash, Clerk-Treasurer