

**February 9, 1998**

The Ellettsville, Indiana, Town Council met in regular session at 7:30 p.m., Monday, February 9 1998. Members present were Michael Cornman, President, Geraldine McIntyre, Vice President, Patrick Stoffers, Donald Ashley, and Gina Hawkins. Mr. Cornman called the meeting to order. Donald Ashley gave the prayer.

COMMENTS:

None

CLAIMS:

Mike Cornman asked is there a motion to approve the claims? Donald Ashley so moved. Geraldine McIntyre seconded. Motion passed 5-0.

SRF CLAIM:

Mike Cornman said request # 63 R.W. Armstrong \$ 14,878.00  
#64 R.W. Armstrong---\$ 8,251.00  
#65 Bynum Fanyo-----\$ 9,671.00  
#66 Deeds Equipment--\$158,956.00  
Total Request \$191,756.00

Mike Cornman asked it there a motion to approve this SRF Claim? Donald Ashley so moved. Geraldine McIntyre seconded. Motion passed 5-0.

OLD BUSINESS:

ORDINANCE 98-1 AN ORDINANCE TO AMEND SECTION 255-10 AND SECTION  
255-25-(d) OF ELLETTSVILLE TOWN CODE CONCERNING  
PERSONNEL: 2<sup>ND</sup> READING:

Gina Hawkins read Ordinance 98-1 by title only. Mike Farmer went over the reasons for this ordinance again with the Council. Mike Cornman asked is there a motion to approve Ordinance 98-1? Geraldine McIntyre so moved. Donald Ashley seconded. Motion passed 5-0.

ORDINANCE 98-2 AN ORDINANCE TO AMEND ORDINANCE 97-16 FIXING OF  
SALARIES FOR BUDGET YEAR 1998: 2<sup>ND</sup> READING:

Mike Cornman read Ordinance 98-2. Mike Cornman said this ties in with Ordinance 98-1, correct? Mike Farmer said correct. Donald Ashley made the motion to that we pass Ordinance 98-2. Patrick Stoffers seconded. Motion passed 5-0.

NEW BUSINESS:

#### RESOLUTION 1-98-TRANSFER OF FUNDS:

Gina Hawkins read Resolution 1-98. Mike Cornman asked is there a motion to approve this Resolution? Patrick Stoffers so moved. Geraldine McIntyre seconded. Motion passed 5-0.

#### ORDINANCE 98-3 AND ORDINANCE TO AMEND ELLETTSVILLE TOWN CODE CONCERNING CONSTRUCTION SPECIFICATIONS FOR WATER AND SEWER PROJECTS:

Gina Hawkins read Ordinance 98-3. Donald Ashley said I move that Ordinance 98-3 be submitted for the first reading. Patrick Stoffers seconded. Motion passed 5-0.

Mike Cornman said he made it known that he would like that this be adopted on the same day it is introduced to keep the ball rolling. He is asking now is there a motion to that affect?

Donald Ashley said I move that Ordinance 98-3 be adopted on the same day at which it is introduced. Gina Hawkins seconded. Motion passed 5-0.

Donald Ashley said I move that Ordinance 98-3 be adopted. Patrick Stoffers seconded. Motion passed 5-0. The Clerk will take this to the paper the first thing in the morning for publication.

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

Rick Coppock said it is his understanding that the Town has to have its underground storage tank removed by December or this year. When he was asked about this he talked to Danny Cure who works in their office, Bynum Fanyo Environmental, they do this type of work and he asked him for a cost for budget purposes for the town as to what it would take to remove those tanks and that is what you have before you. It is contingent on how much contaminated soil might have to be removed and that won't be known until we actually start excavation. This is something he does on a regular basis and has subcontractors come in and do the tank removal, the excavation and also in that proposal is if the town does their own excavation. This is something that is going to have to happen before December 1<sup>st</sup>, it kind of lays out what you have to do and options that you have.

Rick said the other thing that needs to be decided is what are you going to do for fuel once you get those tanks removed. One thing they will need to know before they proceed with that is what is your preference on how you want to buy your fuel in the future. Do you want to have your own tank or buy it someplace else or how do you want to do that?

That is something that they need to know so they can start exploring those possibilities, whether we put a new tank in, there are all kinds of different control systems for tanks. Do you want to just write it down on a sheet how much fuel you used, which department you are with.

Mike Cornman said the policy is that the Department Heads would be the one to make recommendation to the Council how they want to do this.

Mike Cornman wants to recommend that they table this and outline to the Department Heads and Bynum Fanyo Environmental a way of handling this and what are we going to do with the-he was under the impression we were using one of these tanks. Mike asked Rick are we still using both tanks or one?

Rick said one tank.

Mike Cornman said it has been known that we have a desire to set a new system anyway and this is an opportunity to do that at the same time and we do have a little bit of time not a lot. A plan to figure out to pay for this and what are you going to do from this point on. Is that agreeable to the Department heads? Mike Cornman said not to make a decision tonight you should get together and find out.

Steve Bartlett said he had been doing a little research with Shell Oil. The State Police buys their through Shell Oil. Right now we are paying \$1.01 a gallon for the premium fuel through Monroe Oil. A fleet plan through Shell they would give it to us for .969 a gallon., fuel fluctuates.

Donald Ashley asked if that was Johnson County oil? Steve said yes, but this is through the Shell Corporation, this is not through Johnson County Oil. This would save them substantial as for as his department. If the guys are out a 3 a.m. and it is snowing, frozen locks, frozen pumps, and they don't have to deal with that.

Mike Cornman said get together a plan and see what is best deal. Steve said Jimmy wouldn't want to try and get in up here but for squad cars it is perfect. Steve was going to ask the Council permission to try this, it is just for fleet cars and if we don't like it we can cancel it.

Mike Cornman said it would probably not be effective planning if we didn't sit down and do the whole thing at once, maybe within a couple weeks or within 30 days to put together some type of a plan on how we are going to deal with this and let alone to continue business then for the future. That is what he is suggesting, that is not what we have to do.

Don asked if you go to like Shell or wherever then are you going to keep track or the billings each month? Steve said each unit will be issued a card and that card will have that unit number.

There was more discussion on this matter.

Mike Cornman said how about this unless the Council has any other suggestions, we direct the Department Heads to come together with a plan as soon as they can to the Council on how they want to deal with this and how we are going to pay for it and how you want to proceed on.

There was more discussion.

Mike Cornman said we want to see exactly what each department used last year, and also get the department heads together.

Rick Coppock said maybe we can get a recommendation together for the first meeting in March. Mike Cornman said is that okay with the Department Heads? The reply was yes. Mike Cornman said we will table this.

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

Mike Cornman said that is being tabled and in all reality will probably be taken off for the next meeting.

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

Mike Cornman said we have had a meeting with the Bean Blossom Partickburg people and putting together a plan, they are in discussions, I guess you could say negotiations with water districts.

Rick Coppock said actually he has a draft of the letter you can take a look at, it kind of outlines what the town's position would be where we could set up some jurisdictional guide lines and still allow them to proceed with their project. He thinks mutually agreed upon both parties benefit to work something out like this.

Mike Cornman said we are in negotiations.

Rick said actually in the draft letter he asked for response by prior to February 23<sup>rd</sup>, which is your next meeting. This gives them a couple of weeks and at least we will know one way or another.

CONSENT OF ENCROACHMENT-WALNUT STREET:

Mike Spencer said his position on that is the town should not give up any rights. The document that he had seen essentially was---amount to giving up ownership of that piece of property. He doesn't agree that that is appropriate thing to do. The town can not lose the property by adverse possession. Also the thing that he understands it is a title issue, if the person owns the amount of acreage that they're in titled to own then that is not a title issue anymore. He understands that their building is on the wrong piece of property but when they sell their property they are not selling that building necessarily they are selling what they own on the legal description. That building just doesn't have to be on the legal description. He believes that the title company could probably insure that title the way it is, but they couldn't insure that building, that is not on their piece of property.

Rick Coppock said isn't there a drawing that they sent along with that? The reply was yes.

Rick said generally when you think of an encroachment you think of the building being like one foot into the right of way. In this case by looking at the survey that was provided, it doesn't really encroach in the right of way, it sits entirely within the right of way. Which happens to be a platted street. He doesn't think it would be prudent to allow to give them a right to have that building

there if the proposed changes to State Road 46 and what that may bring to the town if you would lock yourselves into not being able to improve that street as some time.

Mike Cornman said he will recommend to the Council that we not approve the consent to encroach as it has been presented to us. Is there a motion to deny that?

Gina Hawkins made the motion that we deny the consent of encroachment for Walnut Street. Donald Ashley seconded. Motion passed 5-0.

#### EASTERN RICHLAN SEWER CONTRACT-FINAL RATE AGREEMENT:

Mike Cornman asked Mike Spencer is he had any thing additional to add. Mike Spencer doesn't. Mike Cornman said we do have a signed contract from Eastern Richland Sewer Cooperation. Mike asked if the Council members have any questions on this?

Mike Cornman said he does recommend to the Council we approve this contract with Eastern Richland. Mike asked is there a motion to that effect? Gina Hawkins so moved. Patrick Stoffers seconded. Motion passed 5-0.

#### NORTHERN SEWER CONTRACT-FINAL RATE AGREEMENT:

Mike Cornman asked Mike Spencer if he has the one from Northern Richland? Mike Spencer doesn't have it.

Mike Cornman said we table the Northern Sewer Contract.

#### SUPERVISORS:

#### FIRE DEPARTMENT 1997 REPORT-JIM DAVIS:

Jim Davis presented the Council with the Fire Department and Building Services report of 1997. Jim went over the report with the Council.

#### TRANSFER OF EQUIPMENT:

Mike Cornman said for the record we have a transfer of equipment. Mike read the following from the Fire Chief Jim Davis and Utility Superintendent Mike Farmer. In an exchange for \$1,200 plus three (3) 32 channel mobile two-way (Kenwood) radios, the fire department will receive a Massey-Ferguson model 35 tractor with a "Woods" mower deck from the utility department.

The utility department is in need of two-way radios and the fire department is in need of a small tractor for lawn care at the Curry Pike fire station.

Mike Cornman said make sure we note this in the minutes.

#### SEWER DEPARTMENT-JEFF FARMER:

Jeff Farmer said in your mail box was a proposal for a temporary full time employee at the plant. The reasons for this is with taking on the solids handling part of waste water treatment plant. He

wondered about this when the plant opened, and how much time it was going to involve. So far they don't even have a dump truck to haul their sludge. Jim Ragles department hauled off our first round of sludge, about 80-tons. A small dump truck holds about 5 tons. He worked out a contract with the County Land Fill to take it for fifty cents a ton. Most tipping fees for landfills are between \$30 and \$35 a ton for domestic sludge. They have worked out a pretty good deal with Monroe County Landfills. The first 80 tons cost us forty bucks to dispose of it. The plant will produce when the press is running about one of our dump trucks that we purchased for the plant, when it comes in, it will produce about a dump truck load of it a day. It is about a 2 hour round trip to the land fill and back. That eats up quite a bit of time just to haul sludge. He was thinking about what he could do, Jeff Ping has already worked several hours overtime since we started processing the sludge. He was coming up in his mind what they could do to afford another employee. He thinks the sludge itself would support one. Jeff discussed this more with the Council. (tape difficulty)

They are waiting on the report from H.J. Umbaugh so they can do their budget.

Mike Cornman said can we push Umbaugh to have their the report this week so we can have a budget.

Rick Coppock will call Umbaugh tomorrow.

This is tabled until the next meeting.

#### UTILITY DEPARTMENT-MIKE FARMER:

Mike Farmer said they are working on the water line transfer to Oak and Walnut. The water tank has been filled with water. He sent a sample to Dillman Road. They think it will be on line Wednesday or Thursday.

#### PROCLAMATION FOR TRI KAPPA:

Mike Cornman read the proclamation for Tri Kappa Week February 22-28, 1998. Mike Cornman said is there a motion to approve this proclamation. Gina Hawkins so moved. Geraldine McIntyre

#### WOODYARD ROAD WATER LINE-RICK COPPOCK:

Rick Coppock informed the Council that they are working preliminary plan for the Woodyard Road water line.

#### ADJOURNMENT:

Patrick Stoffers made the motion to adjourn. Geraldine McIntyre seconded. Motion passed 5-0.

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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