

## January 22, 2007

The Ellettsville, Indiana, Town Council met in regular session on Monday, January 22, 2007, at the Fire Department Training and Conference Room. Dennis Williamson called the meeting to order at 7:30 p.m. with a prayer and the Pledge of Allegiance.

**Roll Call:** Members present were Dennis Williamson, President; Dan Swafford, Vice-President; Dianna Bastin, Ted Robertson and Phillip Rogers. Sandra Hash, Clerk Treasurer; Mike Spencer, Attorney and Rick Coppock, Town Engineer were also present.

**Supervisors Present:** Jim Davis, Jim Ragle, Ron McGlocklin, Jay Humphrey, Mike Farmer, Jeff Farmer and Frank Nierzwicki were present.

### Approval of the minutes

Dianna Bastin made a motion to approve the minutes for the Regular Meeting January 8, 2007 and the Executive Session of January 16, 2007. Phillip Rogers seconded. Motion carried.

### Action to Pay Accounts Payable Vouchers

Dan Swafford made a motion to approve the Accounts Payable Vouchers. Dianna Bastin seconded. Motion carried.

### Resolutions

#### Resolution 02-07 Cancellation of Warrants (old outstanding checks)

Sandra explained the checks have been outstanding for over two years. It is required to cancel these by March first of each year. The total is \$70.82.

- General Fund (three checks) - \$9.00
- Water Department - \$31.82
- Water Deposits - \$30.00

Dianna Bastin made a motion that we approve Resolution 02-07. Dan Swafford seconded. Motion carried.

### Ordinances on Second Reading

#### Ordinance 06-26 to establish a schedule of rates and charges for the users of the Stormwater System of the Town of Ellettsville and Matters Connected Therewith

**Christina Horan** with Umbaugh briefly went over the proposed rates. The proposed rate is \$3.00 per ERU (Equivalent Runoff Unit). The average ERU for all the residential property in Ellettsville is 3,720 square feet. The equivalent runoff unit is calculated based on the asphalts that carry rainfall (sidewalks, driveways, rooftops) and other sediments into the storm water system. To calculate a non residential rate the total square footage would be divided by 3,720 (the average residential) for the "Calculated ERU". She referred to a chart that indicated Ellettsville fees are much lower than other cities in Indiana.

**Kevin Daly**, resident of 410 Vine Street asked why the creek was not dredged when State Road 46 was redone. Vine Street is a flood zone and would like to know how this relates to Stormwater System.

**Rick Coppock** said the Stormwater user fee relates more to the town's streets and stormwater drainage system. The creek is regulated by the Department of Natural Resources and the Town has asked on occasion to be able to clean the creek out. They are allowed to clear a log but not allowed to dredge or widen the creek.

**Kevin Daly's** concern is the flood damage to the homes on Vine Street and would this fund help. Rick Coppock has looked at this for many years and the Corp of Engineers prepared a study. The creek and flood plain boundaries are established by the Corp of Engineers and Department of Natural Resources.

**Dennis Williamson** clarified flood control is a DNR responsibility and what we are talking about is water quality issue with runoff.

**Sherry Hayes**, resident of Paddington Park asked why our fees are higher than Bloomington. Dennis explained there was a budget put together and the fee was calculated from there. Christina added some cities' rates have been in place for many years and they will be increasing them. The rates are set high enough so the Town can actually do something so the residents can see something is being done rather than having the bare minimum. Dennis stated \$40,000 was spent from the General Fund to comply with Rule 13 governing run off. The rate has been calculated so it will not need to be raised.

**Mike Cornman** encourages the Town to pass this ordinance tonight. Studies have been done and show the creek water is getting worse. The stormwater needs to get into the storm sewer. There are several streets in the town where the water does not get into the storm sewer. We need to keep the storm water decent. In regards to the State Road 46 project, when Mike was on the board they did attempt to get all flooding issues on the States bill. He informed the Council the local Emergency Management Agency through the Department of Homeland Security and Federal Emergency Management Agency has Mitigation Plans for flooding. He recommends a plan be put together for a grant.

**Ed Bitner**, Main Street resident does not want this passed as written. He pointed out a couple spelling errors. He questioned the charge for residential units with multiple residences and a single roof span. Rick Coppock clarified the charge is based on per property and if there is a property Ed is questioning, they will look at it. Ed questioned the old laundry mat on the corner of Sale Street and Vine and the apartments on Mathew and Vine Street. Rick explained the difference between residential and commercial. An apartment would be classified as commercial with each resident being billed.

Ed questioned Phillip Rogers stating he ran under the pretense of reducing water and sewer bills. To date this has not happened. He went on to talk about retired sewer bonds and Sewer Department surplus. Sandra clarified the sewer plant is on a twenty year State Revolving Fund that is not paid off. Ed feels an adjustment could be made in the rates being charged for sewer with the surplus. Rick Coppock explained the State Revolving Fund is for twenty years, started in 1998 and still has a ways to run. There is no surplus in the waste water fund but there is an equipment replacement fund that is funded each month for the repairs to the sewer treatment plant. Money is set aside for equipment replacement. He reiterated the Stormwater User Fee is not a tax but a fee that everyone contributes to. Ed does not mind paying the three dollars now but does not want this fee raised. Dennis said the Stormwater Fee has been discussed since December. Ed recommended Phillip not to run on the pretense of lowering sewer rates.

Dianna Bastin made a motion that we approve Ordinance 06-26 to establish a schedule of rates and charges for the users of the Stormwater System of the Town of Ellettsville and Matters Connected therewith. Phillip Rogers seconded. Roll call vote: Ted Robertson – yes; Phillip Rogers – yes; Dennis Williamson – yes; Dianna Bastin – yes; Dan Swafford – yes. Motion carried.

## **New Business**

### **Contract for Employment of Town Attorney**

**Michael Spencer** submitted a new contract for the annual retainer of \$8,500. There will be a charge of \$130 per hour for Senior Attorney; Associates rate of \$110 per hour and Legal Assistant \$50 per hour. He has been the Town Attorney for 24 years.

Phillip Rogers made a motion we accept the Contract with Michael Spencer as Town Attorney. Dan Swafford seconded. Motion carried.

## **Public Comments**

### **Application and Enforcement of the Subdivision Ordinance at the request of Art Hayes**

**Frank Nierzwicki**, Director of Planning Services was asked to talk about the application and enforcement of the subdivision ordinance. He read portions of Ellettsville Town Code 153.001. He touched on basic details:

- To provide adequate light, air, open spaces, drainage, street and public utilities

- To develop and maintain a healthy, attractive and efficiently built environment
- Comprehensive plan has a vision and quality development issue
- Ellettsville subdivision regulations must implement the quality development policies that are found in the comprehensive and rural community plan
- Primary plat will be conducted in a public hearing
- Final plat will be approved subject to the petitioners strictly following subdivision regulations and financially securing the cost of future infrastructure
- Smaller divisions of land will be approved at the same meeting for both primary and final plat
- Build out; a strict compliance with submitted plans and commitments will be maintained
- A follow up by the Director of Planning Services will be required and a written report submitted to the Plan Commission

Frank Nierzwicki has the enforcement to follow through with the review of plans and work with other town employees as needed reviewing development plans.

**Sherry Hayes** is a 28 year resident and read a statement she prepared. Failure to follow the Subdivision Regulations has resulted in:

- Fences, plantings and basketball poles obstructing street right of ways and forcing pedestrians to walk in the road
- Sidewalks in new subdivisions being placed next to the street instead of being separated from the street by a grass strip. Prior ordinances called for the grass strips separating the street and sidewalks
- Sidewalks next to the street are a safety hazard especially when there is not a raised curb
- Sidewalks next to the street are covering many utility easements. How quickly can gas lines be accessed
- A subdivision having only a twenty four feet curb to curb width instead of twenty eight
- Whose responsibility is it to enforce subdivision regulations; why are these errors continuing to occur? Is this present Town Council willing to commit to the tax payers of Ellettsville that they will actively pursue a resolution to all of these violations? Why should the Ellettsville tax payers continue to shoulder additional fees to fix errors that the developer should have installed correctly the first time?
- When will Subdivision Ordinances be applied universally? Does the Town Council still have sign off on the Planning and Zoning by vote? Many sidewalks were not shoveled after this last snow.

Frank Nierzwicki made a few comments to Mrs. Hayes statement:

- He is researching the backgrounds of some of the developments
- The Town Code allows the Plan Commission to grant a waiver for some of the standards within the subdivision
- A developer can make a request to Plan Commission for a waiver of some standards

**Sherry Hayes** submitted a photo collage. She commented on the 30 mph speed limit sign in Westbrook Downs and the response of emergency vehicles on the twenty eight feet wide streets. It was clarified Westbrook Downs was in the county.

### **Supervisors Comments**

**Sandra Hash** shared the May Agency, who handles the Town insurance, has found a new company, Selective, who will save the Town \$13,000 in insurance cost for 2007. She will also be attending a Legislative Conference in Indianapolis February 7 & 8 hosted by Indiana Cities and Towns.

**Dianna Bastin** announced Edgewood Basketball team is doing an excellent job. She is very proud of them and Jeff Farmer. She asked Jeff to pass on the Town's congratulations.

**Dennis Williamson** appointed Doug Norton to the Redevelopment Commission. There are still some openings on the Citizens Advisory Committee to the Redevelopment Commission.

**Adjournment**

Phillip Rogers made a motion we adjourn. Dianna Bastin seconded. Motion carried. Dennis Williamson adjourned the meeting at 8:10 p.m.

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Dennis Williamson, President

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Daniel Swafford, Vice-President

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Dianna S. Bastin

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Ted Robertson

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Phillip D. Rogers

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Sandra C. Hash, Clerk-Treasurer