

January 24, 2005

Executive Session

The Ellettsville, Indiana, Town Council met in Executive Session at 6:30 PM, Monday, January 24, 2004. Members present were Patrick Stoffers, President; William Evans, Vice-President; Lisa Creech, Phillip Rogers and Dennis Williamson. Sandra Hash, Clerk-Treasurer and Mike Spencer, Town Attorney was also in attendance.

The Council discussed information in accordance to: IC 5-14-1.5-6.1

(b)(2)For discussion of strategy with respect to:

(B) Initiation of litigation or litigation that is either pending or has been threatened specifically in writing.

The meeting adjourned at 6:20 PM.

Patrick Stoffers, President

William Evans, Vice-President

Lisa Combs-Creech

Phillip Rogers

Dennis Williamson

Sandra C. Hash, Clerk-Treasurer

Regular Session

The Ellettsville, Indiana, Town Council met in regular session on Monday, January 24, 2005, at the Fire Department Training and Conference Room. Patrick Stoffers called the meeting to order at 7:30 p.m. Lisa Creech led in prayer and William Evans led in the Pledge of Allegiance.

Roll Call: Patrick Stoffers asked for roll call of the Council Members. Patrick Stoffers, President; William Evans, Vice-President; Lisa Creech, Phillip Rogers and Dennis Williamson were present. Also present were Sandra Hash, Clerk-Treasurer; Mike Spencer, Attorney and Frank Nierzwicki, Director of Planning.

Supervisors Present: Jim Davis, Jim Ragle, Ron McGlocklin, Mike Farmer, Jeff Farmer, and Rick Coppock were present.

Approval of the regular meeting minutes for January 10, 2005

Lisa Creech moved to approve the minutes of the regular meeting January 10, 2005. William Evans seconded. Motion carried.

Action to Pay the Accounts Payable Vouchers

Lisa Creech made a motion to pay the Accounts Payable Vouchers. William Evans seconded. Motion carried.

Appointment to the Board of Zoning Appeals (R) 2005-2008

William Evans made a motion to appoint Geraldine McIntyre to the Board of Zoning Appeals for the time period of 2005-2008. Phillip Rogers seconded. Motion carried.

Resolutions

Resolution 34-04 adopting Ellettsville Parks & Recreation 5 Year Master Plan

Lisa Creech read the resolution in its entirety.

Patrick Stoffers has read the 504 document and his concern is the suggestion we have to adopt this compliance to receive federal funds. The Town has received funds from FEMA at least once previously, which was Federal dollars and we currently have a claim with FEMA for the snow disaster declaration last month. He is not sold on the idea of including this particular section in the resolution. Bill Evans doesn't see the need for it either, it is a

duplication of things we already have. Patrick continued it seems to run concurrent with ADA which State and Local Governments are subject to.

Lisa Creech doesn't see a problem with it being in the resolution. We need to accommodate all people with disabilities in public facilities. The same thing is under ADA and she doesn't see a problem with it being in the resolution.

Dennis Williamson asked if it was included because we plan to accept Federal funds. Mike Spencer replied he didn't know why it is in there, you will have to ask the people that proposed it.

Jeff Frownfelter understood if you want to apply for grants or get other monies for the Park Department, who has a pretty limited budget, they request that you follow the 504 compliance guide lines when you use those monies.

The document Patrick Stoffers read was actually the Federal Communications Commissions employee handbook. Lisa Creech found the embodiment of the document on the Department of Education web site.

Dennis Williamson asked Jeff if the funds mentioned in the action plan would be Federal funds. Jeff replied that was correct. If we want to initiate something like increasing trails or adding on to existing parks or building paths to connect parks we can apply for grants. The 5 year master plan was created to provide a plan to submit for state and federal grants. Dennis said this is the first plan we have submitted and we want to get it right the first time. The action plan outlines improvements that total \$255,000 over the next 5 years and we only budget about \$20,000 a year in our Park budget so we are looking at getting some money. Jeff replied yes, it is a large picture, potential plan for the future. Dennis said if we take this 504 out of this plan we can put it back in later. Jeff answered it is a live document and it could be changed, but if it is not in there when it is submitted it might limit the funds we are capable of getting. Dennis feels it is a good plan and the Park Board did a good job on it.

Patrick Stoffers reiterated that he is unwilling to sign a blanket statement that's inclusive in the Park Plan on this section 504 compliance. This statement is a blanket to the operations of the town. Mike Spencer stated it would affect all aspects of the town not just the park.

Patrick discussed this with some colleagues who are familiar with these kinds of things and a survey of the town insuring compliance might cost the town 30 or 40 thousand dollars. He suggested adopting the resolution if it is amended by striking the 504 compliance issue.

Lisa Creech is concerned about the repercussions from people with disabilities, such as autism and a spectrum of disorders. It is not just physical handicaps.

Patrick feels it is bad practice to adopt a blanket policy when the impact to the town as a whole is unknown.

Lisa agreed to strike the 504 section as long as we are willing to give it consideration down the road.

William Evans made a motion to strike Section 504 Compliance from Resolution 34-04. Phillip Rogers seconded. Lisa Creech abstained. Motion Carried.

William Evans made a motion to adopt Resolution 34-04 adopting Ellettsville Parks and Recreation 5 year master plan as amended. Phillip Rogers seconded. Motion carried.

The Honorable Mark Kruzan, Mayor of Bloomington

Mark Kruzan, Mayor of Bloomington, visited the Ellettsville Town Council to say hello and Happy New Year to everyone. He jokingly asked permission to annex 1" down Highway 46 in order to annex the new buildings. His collection of old Monroe County post cards has several from Ellettsville's old municipal buildings and quarries. He is proud that we are neighbors and wants to keep the line of communications open. Ellettsville has a lot to be proud of; it is a growing community, percentage wise Ellettsville is growing faster than the City of Bloomington. With change comes new and added responsibility to manage. Never under estimate the importance of what you are doing. The Mayor also mentioned the Food and Beverage Tax before the State House. The money from the Food

and Beverage Tax will assist Economic Development and Capital Projects. He also complimented Patrick Stoffers service on the Monroe County Solid Waste Management Board of which he is also member. Patrick thanked the Mayor for his visit and denied the annexation offer.

Resolution 03-05 Transfer of Funds

Sandra Hash explained removal of the Building Department and reorganization of the Planning Department created the need to restructure the budget. This is the same amount of money, rearranged to better accommodate the current situation.

William Evans read Resolution 03-05 in entirety.

Lisa Creech made a motion to adopt Resolution 03-05 Transfer of Funds. William Evans seconded. Motion Carried.

Ordinances on First Reading

Ordinances 05-02 amending various Sections of Title 150 of the Ellettsville Town Code Concerning Planning and Zoning

Lisa Creech read Ordinance 05-02 in its entirety.

Frank Nierzwicki is in agreement with Monroe County Building Department recommendations that Ellettsville should add on a fee. He will review the fees charged by both Bloomington and Monroe County Building Departments. The second part of the ordinance is changing the title from Planning and Zoning Administrator to Director of Planning Services. We are trying to have a better fit for the responsibilities of the position.

Ordinances on Second Reading

Ordinance 05-01 Amending Ordinance 04-25 fixing of Salaries for Budget Year 2005

Sandra Hash explained this ordinance deletes the phrase “longevity pay will be added to the base pay for the purpose of calculating overtime”. This is unnecessary because we pay longevity as a service award once every 5 years. There is also an amendment since the first reading. The Town Marshal revised the hours for some of the officers. The Marshal’s pay is calculated a little differently. It fluctuates year to year because of their scheduling; therefore we have to actually know how many days each officer is scheduled to work each year to determine their hourly pay rate for the calculation of overtime. The annual and biweekly salary remains the same. The part-time wages under Motor Vehicle Highway which had been omitted was also inserted.

William Evans read Ordinance 05-01 in its entirety.

Lisa Creech made a motion to adopt Ordinance 05-01 an ordinance amending Ordinance 04-25 fixing of salaries for budget year 2005. William Evans seconded. Motion Carried.

Ordinance 05-03 to Amend the Zone Maps at 1416 West Temperance

Frank Nierzwicki explained this is to correct an oversight that occurred in 1992. It appears that Planning made the recommendation to change the zoning but due to a flood or a tornado that took place the Council did not approve that final change. He recommends passage.

William Evans read the Ordinance 05-03 with the exception of the legal description.

Lisa Creech made a motion to adopt Ordinance 05-03 to amend the Zone Maps for 1416 W. Temperance. William Evans seconded. Motion Carried

New Business

Rick Coppock requested a plat amendment for a 2 lot subdivision on Ratliff Road property to allow for driveway movement. There will be a church built on this site which is 5 acres that was previously subdivided from a 40 acre tract. The access point to the facility has been moved 80 feet to the North to work better with the grading plan so they won’t have to move so much dirt.

Frank Nierzwicki stated this is a minor correction with the driveway movement. It has been reviewed by the Plan Commission and we recommend passage.

Williams Evans made a motion to approve the request for the plat amendment approval on the 2 lot subdivision for the Ratliff Road subdivision. Phillip Rogers seconded. Lisa Creech abstained. Motion Carried.

Hiring of new Part-time Firemen

Jim Davis welcomed the Council and audience to the new facility and thanked the Council and the people of Ellettsville on behalf of the Firemen for making the new facility possible. The Township Trustee increased the fire contract to accommodate hiring additional part-time firemen and presented the following letter on the procedures.

The Ellettsville Fire Department with the approval of the Council Liaison Dennis Williamson advertised for part-time firefighters in The Journal on December 14th, 2004. We took applications and the Ellettsville Police Department conducted the criminal background checks on each applicant. Our hiring process has three phases, in the first phase we administered an aptitude test on January 8th, 2005. The last phase is the interview process.

Each applicant was interviewed by the Board of Chief Officers along with the Council Liaison and a separate interview was conducted by a board of firefighters. On January 18th, 2005, both interviews were conducted with applicants.

The firefighters presented their recommendations from the agility test and their interviews to the Board of Chief Officers. The Board of Chief Officers and Council Liaison Dennis Williamson took their recommendations under advisement. Therefore, after careful examination of all phases the Board of Chief Officers and Council Liaison Dennis Williamson have concluded and recommend Travis Abrams, Doug Bartlett and Mark White to be hired as part-time firefighters. Likewise, we recommend placing Roger Carter, Ron Neibel, Jr. and Josh Stewart on a waiting list for part-time employment for a period of one year.

Dennis Williamson commented it was a pleasure being part of the process. He now has a better appreciation of our fire fighters and what it takes to be a firefighter. All the candidates were good candidates.

Dennis Williamson made a motion to hire Doug Bartlett, Travis Abrams and Mark White as part-time firemen and also the one year part-time employment list waiting list of Roger Carter, Ron Neibel and Josh Stewart. Phillip Rogers seconded. Motion carried.

The Agreement with the Monroe County Public Library and Community Access Center

Sandra Hash explained the agreement with the Monroe County Library and the Community Access Center is the same contract as in the past. The amounts are updated to reflect the current receipts. CATS require 50 percent of the franchise fees we received two years prior to the contract. The 2004 contract reflects the amount received in 2002 and the 2005 contract reflects the amount received in 2003. The amount for 2005 is \$9,831.00 to be paid in equal installments of \$2,457.75 at the end of each quarter.

Lisa Creech made a motion to accept the agreement with the Monroe County Library Community Access Center. William Evans seconded. Motion Carried.

State-Local Public Agency Agreement between Ellettsville and INDOT Construction and Project Management for Federal Aid Projects

Frank Nierzwicki explained the interlocal agreement between the Town of Ellettsville and the Indiana Department of Transportation, which is a common procedure to follow through on the Gateway Project. The Gateway Project is the signage that will be at both the East and West end of the one way pairs when coming into the downtown area. He recommends signing the agreement in order to advance to the next level of funding. Jeana Kapczynski was available to answer any questions on the project.

Lisa Creech made a motion to adopt the State and Local Public Agency agreement between Ellettsville and INDOT for construction and project management for Federal aid projects. William Evans seconded. Motion Carried.

Police Change Order

Office equipment ordered from R.E. Anderson & Associates, Inc., for the Planning and Zoning Office at the Police Department, has a change order for \$1,612.00.

Ron McGlocklin explained the following additional items have been selected and quoted for Ellettsville Police Department for the Planning and Zoning Office at the new building.

Change Order #02: 1 National Left Pedestal Desk, Cherry Finish;
1 National Right Pedestal Return Cherry Finish;
1 National Keyboard Tray;
1 All steel Trooper Task Chair, black.

Net Total, Delivered and Installed \$1,612.00

The description omitted a four drawer file cabinet, which is included in the price.

Lisa Creech made a motion to adopt the Change Order for the Police Department from R.E. Anderson & Associates for the desk furniture for the Director of Planning Services office for a total of \$1,612.00 William Evans seconded. Motion carried.

The Change Estimate with Neidigh Construction Corporation for the Ellettsville Police Station

Ron McGlocklin explained the changes. Sanders has signed off on the changes

Description of Change Estimate: **ADD: \$3,672.00**

- 1.) Change lockset at Sally Bay door to a lockset keyed on both sides.
- 2.) Supply power to electronic strike at security door (wiring not shown on Sheets E1 or E2 in Plans) and add an extra location to operate strike in Dispatch Room.
- 3.) Provide and program twelve two-button transmitters that will operate both overhead doors in Sally Bay. One transmitter for each squad car.
- 4.) Add for amounts that exceeded signage allowance.

Ron stated they would be in the building sometime in mid to late February. William Evans asked if most of the work is complete. Ron stated that most of the small items are complete.

Lisa Creech made a motion to accept the Change Order for the Police Department from Neidigh Construction Corporation in regards to locks and garage door openers for the total of \$3,672.00. William Evans seconded. Motion carried.

Privilege of the Floor – non Agenda Items

Mark Ennis and Mike Gunn, Representatives for Bliss-McKnight Insurance

Mark Ennis, Loss Control and Risk Management Representative, thanked the town for using Bliss-McKnight for their insurance needs and circulated information on training programs, safety and risk management services they offer. They want to protect the interest of the town by managing risk and providing training to try to reduce employee injuries. The Bliss McKnight program company is the Governmental Inter Insurance Exchange (GIE). The workers compensation is written through Bituminous Insurance. They are in-service training providers through the Indiana Law Enforcement Training Board. Mark Ennis is a certified instructor. This allows the Police Officers to receive the state required annual 16 hours of continuing education credits from the training Bliss McKnight offers in Ellettsville rather than Plainfield or Indianapolis. This is a free service they offer their customers. His contact information is included in the packet and he encouraged the Council to call him if he could be of service to them.

Lisa asked if they had any information on the 504 compliance issue that was discussed earlier. Mark replied they could look into it and get a legal opinion as to whether or not the town may be running a foul of the law in certain areas. One of the things they do for

parks is put together documentation in the event there is a claim. He gave the example of someone falling in the park, being injured and claiming the town was negligent due to not maintaining the park in a reasonable safe condition. They try to get the park department to have an inspection program which would document that the playground equipment and skate park were inspected on a regular basis. They dwell on inspection, maintenance and good documentation. They offer sample forms to help keep good records to defend the town in case there is a law suit. They put on trainings for Park Boards and Town Councils to help manage risk. They are also willing to meet on an individual basis to assist in any way they can.

Scouts in Government Day

Valerie DeWar addressed the Council on behalf of Dr. James Skip Holland, Committee Chair for Boy Scout Troop 119 in Ellettsville, who wanted to speak about Scouts in Government Day, an annual event coming up on February 11th. The scouts would shadow government leaders and people in government positions for the purpose of understanding how their government runs, how careers in those areas develop and day to day activities. He would like Ellettsville to consider being the branch of local government that would be willing to host our Boy Scouts on that particular day for a two hour time period and allow several of the town people weather they be Council members, Clerk-Treasurer, Town Manager, Firemen or Police to be shadowed. Therefore allow the Scouts to observe our government in action. Patrick stated he felt certain we could accommodate the request. Sandra Hash will serve as the coordinator for the event. Valerie thanked the Council adding as usual the town has always supported the scouts and as a result they are turning out a fine group of young men that will be good leaders.

Supervisors Comments

Frank Nierzwicki informed the Council he would be tracking bill and legislation in the General Assembly that would affect planning and zoning issues within the Town of Ellettsville. He gave each member a copy of House Bill 1726. He e-mailed Representative Peggy Welch to get more background information on the bill. This is the same bill Mayor Kruzan mentioned earlier. In the distribution of funds portion Bloomington and Monroe County are listed, Ellettsville is not. Both Bloomington and Monroe County are looking at a portion to go for Park and Recreation. He is also watching the bill introduced state wide for the food and beverage tax.

Dennis Williamson read a fax making the public aware of the dangers of Carbon Monoxide Poisoning. Dennis also requested a clock for the meeting room.

Lisa Creech along with Frank Nierzwicki and Jeana Kapczynski will be hosting a meeting at this location February 1st to discuss things like beautifying the town, economic revitalization and trying to unify all different factions of town to help Ellettsville’s growth. She also thanked the Street Department for they’re work on the snow removal and expressed her appreciation for the new facility.

William Evans also expressed his appreciation for the new facility and shared his pleasure that the Firemen are now enjoying their new location. He added Ron and the other Officers are looking forward to moving into the new Police Station.

Adjournment

William Evans made a motion to adjourn. Phillip Rogers seconded. Motion carried. Meeting adjourned at 8:45 p.m.

Patrick Stoffers, President

William Evans, Vice-President

Lisa Combs-Creech

Phillip Rogers

Dennis Williamson

Sandra C. Hash, Clerk-Treasurer