

January 24, 2011

The Ellettsville, Indiana, Town Council met for a Regular Meeting on Monday, January 24, 2011, at the Fire Department Training and Conference Room. David Drake called the meeting to order at 7:00 p.m. Sandra Hash led the prayer following the Pledge of Allegiance.

Roll Call: Members present were David Drake, President; Scott Oldham, Vice President; Dianna Bastin and Dan Swafford. Phillip Smith was absent. Sandra Hash, Clerk-Treasurer, and Darla Brown, Town Attorney, were also present.

Supervisors Present were: Jim Davis, Jim Ragle, Jay Humphrey, Connie Griffin, Mike Farmer, Jeff Farmer and Rick Coppock.

Approval of Minutes

David Drake entertained a motion for the approval of the minutes for the Regular Meeting on January 10, 2011. Dan Swafford so moved. Dianna Bastin seconded. Motion carried.

Accounts Payable Vouchers

David Drake entertained a motion for action to pay Accounts Payable Vouchers. Dianna Bastin so moved. Scott Oldham seconded. Motion carried.

Appointments

Parks and Recreation Board: David Drake asked if Connie Griffin was interested and if it was determined she could be legally appointed to the Board. Darla Brown, Town Attorney, said there is nothing in the Town Code stating she could not be appointed to the Board. David Drake appointed Connie Griffin to the Parks and Recreation Board and her term will end on December 31, 2011.

Resolutions

Resolution 03-11, to Dispose of Surplus Property

Mike Farmer, Ellettsville Utilities – A 1997 Jeep Cherokee was used for meter service. It has been replaced and is now surplus. It has 125,436 miles and is a right hand drive. Dan Swafford asked if any other departments had a need for the Jeep. Mr. Farmer said no one needed the Jeep. There are, however, some rural mail carriers interested in it. They will open it for bids and advertise with the Postal Service in Bloomington.

David Drake entertained a motion to adopt Resolution 03-11 to Dispose of Surplus Property. Dianna Bastin so moved. Scott Oldham seconded. Roll Call Vote: David Drake – yes; Scott Oldham – yes; Dianna Bastin – yes; and Dan Swafford – yes. Motion carried 4-0.

Ordinances on First Reading

Ordinance 11-01 Authorizing Transfer from Ellettsville Sewer Works to the General Fund in Lieu of Taxes

Sandra Hash – This was discussed during the budget sessions in 2010. The Utilities pay the Town a specified amount from the Water Department in lieu of property tax because they are tax exempt. This amount was raised in the Water and a new one was created for the Sewer. This Ordinance enables the transfer of funds for the Sewer. Dan Swafford asked the amount before the increase. Sandra Hash responded last year Water paid \$13,600.

Ordinance 11-02 to Adopt Supplement 2010 S-07 to the Town of Ellettsville Code of Ordinances

Sandra Hash – All of the code changes are updated and ready for disbursement. All changes were verified and a few corrections were made. American Legal requires an Ordinance be passed to accept the supplement each update.

New Business

Proposed Approval of the Water Tracking Factor to be filed with the Indiana Utility Regulatory Commission to reflect the proposed change in the water rates charged by the City of Bloomington Utilities

Mike Farmer, Ellettsville Utilities – The City of Bloomington received notification that they will be allowed to raise the amount they charge for the water they provide to Ellettsville Utilities through the IURC. Although it has not yet been signed by a judge, it is a certainty. Therefore, they have prepared the tracking factor accordingly and at the advice of H.J. Umbaugh. The tracking factor needs to go in to effect as close as possible to the same time of their rate increase to allow Ellettsville Utilities to recoup their losses from the difference in the charge per 1,000 gallons of water. To the rate payers, this means there will be an increase of .25¢ per 1,000 gallons.

David Drake entertained a motion to approve the Water Tracking Factor to be filed with the Indiana Utility Regulatory Commission to reflect the proposed change in the water rates charged by the City of Bloomington Utilities. Dianna Bastin so moved. Scott Oldham seconded. Roll Call Vote: David Drake – yes; Scott Oldham – yes; Dianna Bastin – yes; and Dan Swafford – yes. Motion carried 4-0.

Property, Liability and Fleet Insurance Renewal

Sandra Hash – The May Agency has advised they will no longer be representing Selective Insurance, the Town's current carrier, after March 2011. The May Agency received quotes from QBE and Alliance. They also solicited quotes from Bliss McKnight; however, they declined as they did not think they could be competitive. Alliance has the best quote with lower deductibles on the public officials and employment practice liability as well as a higher limit on employee theft with a lower deductible in addition to coverage for forgery and disappearance of monies. The automobile policy has medical payments and uninsured/underinsured motorist coverage which Selective did not include in their policy. There is an excessive liability amount of \$1,000,000 which would apply to each liability policy separately. There is also an excess earthquake policy to bring the total limit to \$12,000,000. Alliance has the lowest deductible of \$50,000 per occurrence and not per location. They are requesting permission to renew with Alliance. David Drake asked if Alliance was cheaper and with more coverage than still trying to go with Selective Insurance. Sandra Hash responded that was correct.

David Drake entertained a motion to approve the Property, Liability and Fleet Insurance renewal with Alliance. Dianna Bastin so moved. Dan Swafford seconded. Roll Call Vote: David Drake – yes; Scott Oldham – yes; Dianna Bastin – yes; and Dan Swafford – yes. Motion carried 4-0.

Supervisor Comments

Chief Deputy Marshal Jay Humphrey, Ellettsville Police Department – They want to purchase another new vehicle. This will mean the fleet will have all Dodge vehicles. The price is \$22,900 and it will be purchased from Thomas Dodge. The Department is now putting a five year/100,000 warranty on all vehicles which will save the Town money. They are seeking approval to purchase another new vehicle. Scott Oldham advised the purchase of this vehicle will save the Town an increase of \$2,000 to \$3,000 next year. There is a 2006 vehicle in the fleet and there is a concern with the transmission which would cost \$2,000 to \$3,000 to replace. With all vehicles under warranty there will be a substantial decrease in maintenance costs. There is money in the Cumulative Capital Fund at this point and there probably won't be a car purchased next year. Dianna Bastin asked what happens to the older vehicles. Scott Oldham responded this will not be an addition to the fleet. The oldest vehicles will be surplus or donated. Dianna Bastin said people have asked if we just parked the older ones and let them sit. Deputy Marshal Humphrey confirmed they will not just park the older vehicles. David Drake asked if they were purchasing one or two cars. Scott Oldham responded they just purchased one that they made the request from last year and they're requesting to purchase another now in order to take advantage of the savings. David Drake confirmed the Police Department is buying next year's car this year. Mr. Oldham responded this was correct. Dan Swafford asked if the Police Department had purchased a car last year. Jay Humphrey replied yes. David Drake stated purchasing cars needed to be spread out where you are only buying one or two at a time or else you will end up having to replace 5 cars at one

time. It would be nice if you could go a year or two without buying one, but unfortunately it could end up costing more in the long run. Scott Oldham added with 9 full time officers you can't go 10 years between car purchases. Dan Swafford asked if there was money in the account, is there going to be any problem with purchasing this additional car. Sandra Hash responded Scott Oldham had verified there was \$113,000 in the fund before we paid for the first one. Scott said it leaves us right at \$90,000 in the Cum Fund after they pay for the one they just purchased. When we buy this one it will take it down another \$23,000. That is before we get the two draws for 2011. Dianna pointed out that last year the Police Department planned on buying two cars and they held off and only bought one. Jay Humphrey confirmed that was correct. Dianna wanted to make sure everyone knew this would have already been purchased. Scott said this is more of a business decision than a providing new equipment decision. This is more of a saving money exercise than anything else.

David Drake entertained a motion for the Police Department to purchase an additional car at the lowest bid. Scott Oldham made the motion we allow the Police Department or instruct the Police Department to buy on addition patrol car to the lowest bid. Dianna Bastin seconded. Roll Call Vote: David Drake – yes; Scott Oldham – yes; Dianna Bastin – yes; and Dan Swafford – yes. Motion carried 4-0.

Chief Deputy Marshal Jay Humphrey – Thanked Jim Ragle and the Street Department for snow removal on the Police Department parking lot.

Connie Griffin, Director of Planning:

- The agreement with Duke Energy has been received. This agreement is with the Town for the relocation of a utility pole at 201 N. Beechwood Drive. The cost of the relocation is \$2,162. The Town has received a letter from Mr. Kain advising that although the agreement is between Duke Energy and the Town, the School will make certain the Town is reimbursed for the utility pole. The utility pole is in the Town's right-of-way and this is why the agreement is between the Town and Duke Energy. The Town has informed Mr. Kain there may have to be a more formal contract for the reimbursement. At this time, Steve Flores, the INDOT Project Manager, has advised he has begun some of the prep work for relocation of the utility pole. Duke Energy needs the Town Council to sign the Agreement and then it can be forwarded to INDOT. INDOT will then forward it on to the appropriate department who will then issue a notice to proceed. Once the notice to proceed has been issued, the utility pole will be relocated. The expenditure for relocating the utility pole will be a grant reimbursable. Sandra Hash stated she wanted to make it clear the Town did not have the extra money to pay for relocation of the utility pole. There is enough in the government fund to do the grant matching for Heritage Trail. She suggests this cost be paid from the funds reserved for Heritage Trail. This is the only fund with any flexibility. Otherwise, an appropriation would have to be prepared and approved by the State. Dianna Bastin asked if the Heritage Trail monies would be reimbursed as soon as it is received. Sandra Hash responded this is correct. Connie Griffin stated Duke Energy would submit their invoice within 45 days from the completion of the work.

David Drake entertained a motion to approve the Agreement between the Town of Ellettsville and Duke Energy for the relocation of the utility pole at 201 N. Beechwood Drive. Scott Oldham so moved. Dan Swafford seconded. Roll Call Vote: David Drake – yes; Scott Oldham – yes; Dianna Bastin – yes; and Dan Swafford – yes. Motion carried 4-0.

- The letter of intent for Phase II of the Heritage Trail has been filed with the MPO. The application is due on February 1, 2011, and she has been working on this over the last couple of weeks. Main Street and Rick Coppock will be assisting with the application. The Town is seeking grant funding for the pedestrian bridge over Jack's Defeat Creek. Letters of support have been requested from Town Council, citizens and others who support the trail. To date, she has received eight letters. If anyone is interested in submitting a letter to the Planning Department they can do so by email, U.S,

- Mail or it can be dropped off at the office. This would need to be done by January 28, 2011. The Town has received notice from the MPO for a call for projects. She is working with the Street Department to seek grant funding for sign replacement for new reflective signs.

- Office of Community and Rural Affairs. Ms. Griffin met with Matthew Crouch on January 18, 2011. The Town is in need of an income survey. She has looked at the websites for some of the consultants. It will cost between \$1,500 to \$3,000 to conduct the survey. If the Town is shown to be a low to moderate income community then it can start applying for Community Block Development Grants. The maximum amount of the grants is \$500,000. A Community Block Development Grant would do amazing things for the downtown revitalization project. With Heritage Trail going in, this is a prime time to conduct a survey so the Town can piggy back the trail development with the downtown revitalization. David Drake stated with grants sought by the Town also competes with Monroe County and the City of Bloomington. Connie Griffin responded this is the case with the MPO grants. It is becoming more competitive because low to moderate communities need assistance. Sandra Hash stated this is not a budgeted item and asked if the Planning Department has the funds within their budget. Connie Griffin will check the Planning Department budget and research consultants to do the survey.

Council Comments

David Drake – When the last big snow occurred, he rode with Jim Ragle for approximately 1 ½ hours. The Street Department spends many hours pushing snow around and it is not an easy task. Mr. Drake commended the Street Department on a good job.

Privilege of the Floor

Warren Hoobyar – He talked to Connie Griffin regarding a question about an easement with Duke Energy. There are three properties he is aware of that have fences blocking the right-of-way for the power poles between Seneca and Shawnee Streets. All of the fences have a set back of ten feet so that Duke Energy can service the power poles. There have been three incidents when a transformer blew off the pole and the power company had to carry in their equipment because they couldn’t bring in any lift equipment. Duke Energy had to go through a neighbor’s yard, who doesn’t have a fence, to get to those power poles. Mr. Hoobyar asked if there is a code which allows the power company to have a ten foot easement, and if there is, why is it not enforced. David Drake stated the Town does not enforce private easements. Darla Brown, Town Attorney, responded, without researching it, if there are utility easements, it would be up to the utility to enforce it. Mr. Hoobyar stated he spoke with someone at customer service for Duke Energy and they said they would investigate it. If there is a power outage and service is delayed because Duke Energy can’t get their equipment in then it becomes an issue for the Town. He doesn’t know whether to prepare a petition from people in the neighborhood, who have set their fences back, and take it to the power company.

Rick Coppock, Bynum Fanyo & Associates – The easements for utilities are part of the platted subdivision. They are not enforced by the Town but can be enforced by the utility company. If Duke Energy would have a problem they could take the fence down, work on their pole and not have to put the fences back up. The utility company is responsible for notifying the property owners that they need to remove their fence from the easement. The easements are six feet on each side of the property line.

Dianna Bastin – Lives on Tecumseh and she has a geo thermal system. She has talked with Duke Energy and they will not drive their heavy equipment across her yard because of the loops for the heating equipment. Therefore, they have to carry some of the equipment in and out. Duke Energy does have an easement for their equipment.

Adjournment

Dan Swafford made a motion to adjourn. Scott Oldham seconded. Motion carried. David Drake adjourned the meeting at 7:43 p.m.

<hr/> David Drake, President	<hr/> Scott Oldham, Vice-President
<hr/> Dianna S. Bastin	<hr/> Phillip Smith
<hr/> Dan Swafford	<hr/> Sandra C. Hash, MMC, Clerk-Treasurer