

January 24, 2000

The Ellettsville Town Council met in regular session January 24, 2000. Members present were Geraldine McIntyre, President, Gina Hawkins, Vice-President, John Dailey, Jerry Pittsford, and David Sorokoty. John Dailey gave the prayer, and Jerry Pittsford led the Pledge of Allegiance.

APPOINTMENT:

Geraldine McIntyre appointed David Drake to the Board of Zoning Appeals.

COMMENTS:

Request for rate information

Dennis Fisher addressed the Council. He received a letter stating that Northern Richland Sewer Corporation was considering a merger with Eastern Sewer Corporation. He would like a rate table for comparison and ask permission to talk to Ellettsville Utilities to receive this information. Mike Farmer replied they would like any requests in writing.

Request for clarification on Town set back rules

Matt Trowbridge lives on Beechwood Drive. He has a question on a property line issue. He called Town Hall today and found this was the proper time and setting to address this to the Council. An individual purchased the house next door to us. He is renovating the home and I am glad, it was in sad shape. I disagree with one thing he is doing. I believe with what I have learned from speaking with Rick Coppock and reading the pertinent code that he is violating the five-foot set back on driveways. He started putting gravel down which until I recently had it surveyed was actually on my property. I do not have photographs I do have it on a small screen video if you would like to view it. I am willing to take photos and send them to who ever is necessary to have this matter addressed. I am here to ask the Town to enforce the set back ordinance, and require the person who purchased that house to the observe the set back with this driveway he is attempting to build. It is a spur off an existing concrete driveway. So far he has just dropped gravel down along side his house. After I had it surveyed he scraped the gravel back to just along the property line. Not only do I think it is in violation of the ordinance I think it is a bad idea in general. The driveway is pretty steep. In the winter you have to get a running start to get up this thing. If he goes out on that spur he could shoot in my yard. I would hate to see any property damage, or one of my family members injured or worse. I am requesting the Town require him to observe this set back rule on this driveway. I also believe where it sits now is in violation of the neighborhood covenants but I do not believe that is in the Town's purview. Maybe I will pursue that avenue. Jerry Pittsford ask who enforces the set back ordinance? Mike Spencer replied that Jim Davis looks at the code. He also said he had written letters about basketball goals being

in violation. Jim Davis came forward and said he had spoken to Matt about a week and a half ago. I told him I did not know of any thing in our code that really pertained to set backs on driveways. I knew this one existed but I think it would take an interpretation from Mike Spencer or someone else. This code says that all driveways and encroaches shall be so constructed they will not interfere with the drainage in the street or highway and no entrance shall be closer than five feet to the adjacent property line. If that is truly the intent of the code the entrance is not closer than five feet to the property line. I have been up there and looked at it. I gave Mr. Woods a copy of this and he pointed that out right away that his entrance was not closer than five feet to the property line. When I was there he did have gravel over on Matt's property. He did say he would remove the gravel from the property line. Jim was looking for something in the code that clearly stated there was a five-foot set back on the driveway period, and this actually says entrance. Mr. Trowbridge then said he had talked to Rick Coppock and he had agreed to write a letter stating that set back is along the length of the property line, which I guess would cause him to have to stridulate. Trowbridge agrees with Jim that our code does not say the length of the property line. He also called Bloomington and their code does say the length of the property line. He believes most municipalities would observe the set back from the adjoining property line when they have structures which is a house or a driveway. If I have to, this isn't a threat, but I am serious about this I don't want that driveway there, and at the very least I wish him to observe what I believe should be the set back of five feet. I will pursue this. Perhaps the Town will have to clarify this in some way so the next time someone runs into this problem there is no gray area. You could tell exactly what the code is or isn't. What steps do I have to take?

Dave Sorokoty ask Rick Coppock don't we have a clause in there about gravel driveways? Rick Coppock replied that the Town has a code that all surfaces have to be hard surfaces. So it wouldn't be a gravel driveway it would be asphalt or paved. Rick stated when he looked at this code as far as driveway he considers the entrance being the same as the drive way. The five-foot along the entire property line would be consistent with what Bloomington and Monroe County does. It is also consistent in the code it states that accessory buildings, like sheds, are five feet from the property line and nine feet away from the front lot line. That is his interpretation, the entrance should be the same as the driveway, five feet from the property line. Jerry reaffirmed instead of just the mouth of the driveway it is talking about the entrance as being the path to whatever destination it is. Rick agreed also saying he didn't know why it said entrance instead of driveway. He feels maybe that should be up to Mike Spencer to interpret. Jerry said if the code addresses a five foot set back for all structures and a five foot set back for the entrance then why would it allow you to, within two feet, to ver over within the five foot set back. That would sort of go into the opposite direction of common sense.

Mike Spencer said he would have to look into the code and tell the Council how he feels they should proceed. Mr. Trowbridge ask Mr. Spencer if he could call him directly to see what he decided. Mr. Spencer replied he could. He went on to say he didn't know when he would make the decision but he would have to inform the Council first. Mr. Trowbridge said he knew the property had been purchased for resale, and he does not want to see no action taken on this before he resells this property. If he sells it before this

is resolved it will be even more difficult to deal with this matter. Mike Spencer informed him that he certainly had the opportunity to pursue his covenants, restrictions and plat violations. Mr. Trowbridge then ask where he could get a copy of the covenants. Mike said he should be able to get them from the Monroe County Records office. Mr. Trowbridge will bring pictures back to the Council.

OLD BUSINESS:

Ellettsville Police Reserves:

Personal vehicle use during an emergency.

John Dailey made a motion to talk about police reserves personal vehicle use during an emergency. Gina Hawkins seconded. Geraldine ask for comments.

Jerry Pittsford read from a letter presented by Mike Spencer stating there is statutory provision prohibiting volunteer police officers to place flashing lights of any kind on their personal vehicles. John Dailey said it also states you are still doing research on other possible avenues. Mike Spencer replied if there is something I am missing I am willing to look at it and see how other people are dealing with this. He is checking with the Indiana Association of Cities and Towns and some other police agencies to see how they are handling it. In my opinion the only way to handle it would be to have the Department of Transportation determine if they were in fact emergency vehicles. John ask would they have to be designated as first response emergency vehicles. Mike said no that would be green lights and that is EMS. Jerry said blue lights are volunteer firemen and there is no provision for red flashing lights, unless it is a designated emergency vehicle and has a siren and strobe lights. Mike Spencer added he thinks it is evident people through out the state have been very casual about this. The Department of Transportation did not seem very aware of it. In his search he has not seen any specific authority for it and it is note worthy because there is no specific authority, whereas there is specific authority for firemen and EMS. The fact that it was not specifically included makes him believe it was intentionally done. If you can convince the Department of Transportation to designate them that's fine. John ask what was his belief as to why it was intentionally done. To keep people from doing it or giving them the ability to make their own decision if they want to do it themselves. Mike answered he had no idea. John said it seems like they do not have enough information. There does not seem to be any legal right to do it. Mike Spencer said if you proceed now my position would be do not permit it. If we can come up with something else in the future we can bring it back to the board for consideration.

Ed Bitner questioned if that meant they could no longer sit at the stop light by McDonalds and direct traffic into that church every Sunday? Mike Spencer said, no it doesn't indicate whether or not they can direct traffic. Ed said they have their personal vehicle setting out there with a red light flashing in the windshield. Mike Spencer said they way he reads it they should not do it.

Bob Sowder believes it is a requirement of OASHA and INDOT no matter if it a personal vehicle, family vehicle, or whatever if you working along the highway it is required that you have flashing lights of some kind. For the street and water department it is yellow or bright orange. Since they are volunteer police officers they use red and blue. It is also required that you wear an orange vest.

Jerry Pittsford said he believes the code Bob referred to was the code they had last meeting permitting red flashing lights on stationary vehicles. Mike Spencer said that was not correct. It may say yellow lights flashing but not red.

Mike Spencer suggested this issue be tabled until they can obtain more information.

NEW BUSINESS:

Town Planner Contract:

The new planner introduced himself as Bill Land. He has been involved in professional planning for ten years as a long-range Planner for Bloomington and as Executive Director of Planning in Brown County. He is nationally certified. The inter-local agreement between Bloomington and Ellettsville requires a professional planner to be on board sixteen hour per week. He hopes to interact with the Council and is wide open to a dialogue at any time. Geraldine gave him a copy of the contract to read over. Geraldine and Rick Coppock met with Mr. Land to discuss what they were looking for and cover the salary. The salary was acceptable and he seemed interested in working with us. Geraldine said he would help with the Planning and Zoning Board and long range planning. Dave ask if he will be working with the Main Street Program? He replied he would be working comprehensively with every single aspect of planning in order to get to know the total picture and total input. He plans to have some kind of work product prior to July, kind of a tentative plan and access control relative to the new highway.

Jerry Pittsford made a motion for approval of Bill Land as Town Planner as per the contract and authorize the signing of the contract. David Sorokoty seconded. There was a correction to the contract agreed to and initialed by both parties. Motion passed 5-0.

OLD BUSINESS:

Public hearing for voluntary annexation

Coffey Belcher Property 4990 Lakeview Drive

Rick Coppock from Bynum, Fanyo, Associates spoke concerning the annexation of one acre of ground that is suppose to be voluntary annexed into the town and as part of the annexation requirements you are required to have a public hearing. We have notified as per the requirements. This is a one-acre piece of property that is adjacent to and immediately north of First Choice Self-Storage, which is on Lakeview and State Road 46. It came before the Plan Commission with a recommendation of C-3 zoning. The town

previously approved a fiscal plan for this property in December. This annexation will not require any expenses to the town. Any public improvements to the property, water, sewer, roads or anything that needs done, will be done by the developer of the property. Rick ask if there were any questions. We have had the first reading on the Ordinance. It will come back again at least 30 days after the public hearing for final adoption. Gina said as the public hearing we are just here for question and concerns.

Jeff Schunn ask if there had been any study done on water run off from the property. Rick answered he is required to submit a plan to the Plan Commission that he would retain the water on the property. The original property has a small retention pond for his increase in run off. He has to maintain those same standards. Darlyne Sowder ask if the developer was also the President of the Plan Commission. Rick answered yes. Darlyne said is there anyway of handling that so it is not a conflict of interest. Rick and Geraldine both answered if it comes up in a meeting he has to sustain from voting. Geraldine said this was already done before he was the president. Rick added Rick Belcher and Sally Coffee presently owned the property, their names are on the deed. Jeff Schunn ask who watches over the developer to make sure he meets the requirements. He went on to say the reason he ask was a good friend of his lived in the first house there. It was moved because of water problems that all this new stuff is causing. Rick said he has to submit a plan to the Plan Commission that addresses the water run off. Jeff Schunn was aware he had done that on what he has done so far. However his land elevation is higher than that adjacent property and when it rains that property is getting water that it didn't use to get. If that is the case he should contact the town and they could have someone look at it to make sure it is going according to plan.

SUPERVISORS:

Request for overtime

Jim Ragle requested overtime pay for snow removal. Jerry Pittsford made the motion to pay Jim Ragle for 16 hours of overtime for snow removal. Gina Hawkins seconded. Motion passed 5-0.

Jim Davis

Jim submitted the Fire and Building Services report for the year 1999.

The report tells the number and classification of building permits issued. It gives a four-year comparison of building permits by classification and valuations. It also shows the cost of the issued building permits, the revenue taken in and the expenditures of the building department. The last portion of the report tells the total runs responded to. It show that the number of runs have doubled since they started EMS about 1 1/2 years ago. Some of the medical calls with the ambulance are just to assist and some of the calls they are not needed on, so they may just go, turn around and come back. When the ambulance is not in town or if it is serous it takes quite a bit longer. The police if they are not on call often arrive at the scene before we do. This is a big help for us to find the location

quickly. It is easy to find a squad car with its lights on and not too easy at 3:00 am to find house numbers. Also listed are the majors runs for the year, the loss of property, the man hours. As most of you know we had one fatality this year in a house fire.

David Sorokoty ask if it is a 36 square mile area the fire department covers. Jim answered yes with about 115 million in assessed value. The population is between 15 and 17 thousand as per Indiana University.

Ron McGlocklin

Ron informed he did have the \$750 in his budget to cover the insurance cost of the additional reserve officers. We plan to screen the new applicants. When you break down the cost of the insurance by 10 officers working 16 hours per month it comes out to about \$2.05. Ron said it is a good possibility the Ellettsville Reserves have the contract to work the Monroe County Fair this year to raise money for the unit. Basically I will loan them the money for the insurance and after they are paid for the fair they will put the money back in the Reserve line with the clerk. That money will be available for me to use if needed.

Brian made it back with the dog. His name is Apollo. Brian has the paper work and he will get with Sandy to get the insurance for the full purchase price. He is trained on five scents plus patrol work and tracking. He is a beautiful animal. He encourages the council to contact Officer Mobley to make arrangement to see the animal.

Geraldine ask if Ron was asking the Council to accept the 10 additional reserves tonight? Ron answered no they do not want accept any reserves until they have interviewed them and checked their background.

Jerry ask if there were presently 20 reserves and if all 20 were putting in their 16 hours per month. Ron answered a lot of them put in their 16 hours. Last year they put in around 4,000 hours. That is equivalent to 2 full time men out of 20 reserves. That is not counting Fall Festival hours, which was 251 hours in three days. They get their time in. If they do not get their 16 hours in one month they may make it up by putting in 24 hours the next month. One officer put in 72 hours in one month. The minimum is 16 per month. Jerry said that is 192 hours per year even though it may not be 16 per month each one of the 20 reserves are putting in 192 hours per year. Ron answered pretty close unless they are sick or whatever. Some times they may have to work and can't make it in. That is patrol time only. Jerry ask if they are working for Cedar Bluffs is that counted as their 16 hours. Ron answered no that is not working for the town that is working for their organization. Monroe County Fair time is not town time that is time for their organization.

Geraldine ask if they would have arrest powers at the fair. Ron answered yes they are deputized through the County.

Jeff Farmer

Jeff spoke to the Council about Louise Emmons retirement. He said since he started with the Town in 1995 Louise had always been very helpful to him. He feels we are losing a good person in Louise. She is an excellent employee. He will miss her and her dry humor in the office.

Mike Farmer

Mike also told the Council Thursday was Louise's last day if anyone wanted to stop by and wish her well he would appreciate it. She has worked with utilities since 1980, so she has been around the town for 20 years. She has been full- time since 82. We are all going to have to band together to make up for her expertise and knowledge. Her institutional memory cannot be replaced. You can't earn institutional memory overnight. It is important to recruit good help, then maintain and keep them on with the town. I am a big proponent of taking care of your employees so they can take care of you. Louise is a perfect example of that. He wants to wish her well. By Thursday she will be gone and we won't be better by her leaving. We will make it up and we won't miss a beat but we will miss her.

Mike also told the Council they are looking into upgrading the telephone system so we could have voice mail. It would give better service to the customer. They could leave messages. They will upgrade how they go about emergency call outs. Right now the fire department is fielding all the calls after hours. It works really well but we are imposing on them. They are firemen and they need to take care of their own business. We are trying to alleviate the burden of getting after hour calls. As the town gets bigger and the utilities are more active we will get more and more calls. We need to rectify that and start taking care of ourselves after hours. I really appreciate the fire department but it is an imposition and we will need to take care of that. You will be getting some numbers at future meetings. We will talk about it once I figure out what we are going to get and how much it is going to cost.

Jim Ragle

He is in the process of replacing a couple of dump trucks. They have a couple of 1985 trucks that need replaced. He would like the permission to pursue this with his liaison and council. He has some proposals now but he will check with Mike Spencer to find out the process of purchasing. The Council gave him permission to proceed.

Sandy Hash

Sandy presented a maintenance agreement on the new computer hardware. We have always had a maintenance agreement on the computer hardware and this agreement is \$1800 less per year than we had previously paid. This is a four-year contract with request for payment up front, which in turn gives us a 15% reduced rate. Geraldine ask if we had the money in the budget. Sandy replied the utilities have maintained the maintenance agreement in the past and are willing to continue doing that. I do have a

maintenance agreement on the printer upstairs, but this is for the AS400 that is down stairs. Jerry Pittsford ask if she felt confident that the service agreement would not exceed the life of the equipment. Sandy answered that it could be expanded. Jerry Pittsford made the motion that we approve the maintenance contract on the equipment for the clerk-treasurers office and the utility office. John Dailey seconded. Motion passed 5-0.

Jerry Pittsford

Jerry wanted to make note of the fact that at our last meeting the board members were ask if they wanted pagers. The fact that the clerk-treasurer ask lead me to believe the money was in the budget. We found out in the course of the meeting the amount budgeted was not enough to cover the entire cost of the pagers. Therefore I decided not to have a pager and he won't have one until it is budgeted for. John Dailey ask if the pagers have been ordered. Sandy said she has ordered four pagers at \$65 a piece. She went on to say there was a budget line for pagers and it was sufficient to cover the \$10 per month charge we had in the past. The only difference is the up front money, the \$65 to purchase the pager. The rate per month will decrease to \$5 per month. She felt it would not be a problem for all the council members to have a pager. In the long run we will recoup the extra money and if we did exceed the budget by a small amount there is enough in the telephone line to transfer over to make up any difference. John Dailey said it would be about \$5 per pager that would need to be transferred.

Gina Hawkins

Gina complimented the street department for their good work removing the snow from the street during our recent snowfalls.

David Sorokoty

Dave has talked to Dave Ferguson about having CATS come to Ellettsville and film the meetings. He is working up an agreement. Once the agreement is made we will put it in front of the board for approval. Basically it consist of a \$4000 per year budget and they want 50% back which is the agreement they have with the county and the City of Bloomington. As soon as we get an agreement we will put it before the board for a vote.

COMMENTS:

McNeely Street Relocation of Sewer and Water Line:

Rick Coppock

Rick received, in the mail today, a copy of the INDOT reimbursable agreement for relocation the sewer that is along McNeely Street between the bridge and Mt. Tabor Road. We have been working with the State and the consultant for the county on that project, Bean, Longest, and Neff. The sewer is currently on the town's property and they

are going to need some of that property to reconstruct the bridge and roadway in that area. So we are eligible to get the sewer moved and reconstructed and be reimbursed by the state. The town's crews will do this work. We developed a relocation plan for the sewer. We are going to upsize the sewer in that area to accommodate our future plans. Relocating the lines is part of the State Road 46 one way phase project. I would like for you to put this on the agenda. It is an agreement for the town to be reimbursed in the amount of \$66,968.44 for relocating the sewer in that portion. The waterline will also have to be relocated and be upsized in that area. It is not located on the town's property. It is within the road right of way so it is not a reimbursable item but it will be part of that project. Geraldine ask if Rick wanted this on the next agenda. He ask if could be on tonight's agenda. It needs to get back into the state to get approved. It usually takes 3 or 4 months and they want to get started in May so time is getting critical. I don't want to hold up the McNeely Street project. The sooner we can get it done the better. Our next meeting is February 14th and that is 3 weeks away. Mike Spencer said he didn't see any problem voting on the contract. He has not read it. Rick said it is the same thing they had on 46, the same standard form. It is the same contract the state uses on all its reimbursement projects. Geraldine ask how the board felt about this. Jerry said we can't loose can we?

Gina Hawkins made the motion to accept the contract with the Indiana Department of Transportation for the reimbursement of the McNeely Street bridge project. David Sorokoty seconded. There were no comments. Motion passed 5-0.

Chuck Stephenson, Monroe County Parks and Recreation

Chuck wanted to bring the Council up to date on the fact that the county is applying for another grant for Flatwoods. The state has two grants going on. One is the Home Town Indiana grant, which is for \$700,000. The other one is from the Land and Water Conservation fund that is \$800,000. From those they have a total of a \$1,500,000 available to towns and counties to write their grants against. Our grant that we are writing will be for \$150,000. It is a %50 reimbursable grant. Basically our money that we will use for the grant will come from the first grant that we receive from Home Town Indiana. The grant consist of construction of our first shelter pod at Flatwoods, which would be three shelters, a parking lot, a sanitary ball privy, a basketball court, a volleyball court, interpretive trail, a native plant restoration, wild life habitat and signage, some lighting, part of an asphalt trail, and a playground. Currently we are still working on part of the first project that we had over there. We built two bridges that cross McCormick's Creek last summer. We put up a windmill, an operational windmill. We pumped water most of the summer over there. It was very dry. We had constructed two small wetland areas and it was basically about the only water in that area. So it was beneficial to the wild life that was there. We also seeded two acres in native flowers and forages. We constructed about two thirds mile of trail. It has been covered with fill dust, rolled and compacted. We have a contract signed to go ahead and finish the demolition of the hog barns that are there bury those on site, and demolition of the two grain bins that are there. Those are quite unsightly and unsafe. We will be glad to get those out. That should occur as soon as the weather breaks.

Jeff Schunn

Jeff ask for a clarification on the planner that was approved tonight, what is that need, where did that need generate from, and how long is this contract that was signed tonight, and will it be a renewable contract at the end of its term? Geraldine said we have an inter-local agreement with the City of Bloomington when Mike Cornman, Rick Coppock, and I spent 36 hours, they drew up a resolution and in this resolution they said that we would have to hire a planner for this year. The board put in the budget \$16,000 for 16 hours a week, that is how that came about. Jeff ask that starts now through? Geraldine replied it starts now through the end of the year. Jeff ask if it would be on going year after year renewal of that contract. Geraldine answered yes it could. Gina added in the agreement, she believes, in a couple of years, once the town has annexed out to Union Valley we will be required to have a full-time planner. So that Bloomington will agree to let us annex that way anymore. It was an agreement to hire a part-time planner for the first couple of years until we get so far east then we will have to come up with a 40 hour a week planner, a full-time position. We agreed to do that in order to annex.

MINUTES AND CLAIMS:

Gina Hawkins made a motion to accept the minutes from the last meeting. David Sorokoty seconded. Motion passed 5-0.

David Sorokoty made the motion to pay the claims. John Dailey seconded. Motion passed 4-0 with Gina abstaining.

ADJOURNMENT:

John Dailey made the motion to adjourn. David Sorokoty seconded. Motion passed 5-0.

Geraldine McIntyre, President

Gina Hawkins, Vise President

John Dailey

Jerry Pittsford

David Sorokoty

Sandra C. Hash, Clerk-Treasurer