

January 25, 2016

The Ellettsville, Indiana, Town Council met for a regular meeting on Monday, January 25, 2016, at the Fire Department Training and Conference Room. Dianna S. Bastin called the meeting to order at 6:30 p.m. Kevin Farris led the Pledge of Allegiance followed with a prayer by Scott Thomas.

Roll Call: Members present were, Dianna S. Bastin, Vice President; Kevin Farris, Brian Mobley and Scott Thomas. Scott Oldham was absent. Sandra Hash, Clerk-Treasurer, Darla Brown, Town Attorney, and Rick Coppock, Bynum Fanyo and Associates, Town Engineer, were also present.

Supervisors present were: Mike Cornman, Danny Stalcup, Jimmie Durnil, Kevin Tolloty, Jeff Farmer and Mike Farmer.

Approval of Minutes

Dianna S. Bastin entertained a motion for approval of the minutes for the regular meeting on January 11, 2016. Kevin Farris so moved. Scott Thomas seconded. Motion carried.

Accounts Payable Vouchers

Dianna S. Bastin entertained a motion for action to pay Accounts Payable Vouchers. Kevin Farris so moved.

Brian Mobley asked questions on the Accounts Payable Vouchers for the Fire and Police Departments. Town supervisors answered his questions.

Scott Thomas seconded the motion to pay the Accounts Payable Vouchers. Motion carried.

Appointments

Plan Commission: One Republican and One Democrat – Appointed by the President

Board of Zoning Appeals: One Appointed by Council and One Appointed by President

Park and Recreation Board: One Republican – Appointed by President, Term Ends 2017

MPO

Dianna S. Bastin suggested tabling this until the next meeting the President attends.

Scott Thomas talked to Josh Desmond who runs the MPO meetings to clarify what they're looking for. Mr. Desmond advised the bylaws establish the Ellettsville Town Council President as the official representative of the MPO Policy Committee. The MPO allows the President to designate a fellow member. If nobody on the Council will serve then it is their recommendation that they appoint a permanent proxy which is the Planning Director.

Dianna S. Bastin made a motion to table the appointments until the next meeting. Scott Thomas seconded. Roll call vote: Dianna S. Bastin – yes; Kevin Farris – yes; Brian Mobley – yes; and Scott Thomas – yes. Motion carried 4-0.

Resolutions

Resolution 02-2016 Authorizing Council President Brian Scott Oldham to Execute All Necessary Deeds to Transfer Property to the Ellettsville Building Corporation

Darla Brown, Town Attorney, explained at the closing on the bonds the Town will need to transfer 3.9 acres on which Town Hall will be built to the Ellettsville Building Corporation. This resolution enables Scott Oldham to sign the deeds in order to get that done. She has provided the deeds and the title search done by Bethell Title to the Town Council.

Dianna S. Bastin made the motion. Brian Mobley seconded. Roll call vote: Dianna S. Bastin – yes; Kevin Farris – yes; Brian Mobley – yes; and Scott Thomas – yes. Motion carried 4-0.

Resolution 03-2016 to Approve the Financing for the Town Hall Project

Darla Brown, Town Attorney, explained the resolution states the Town will transfer the construction bids to the Building Corporation. If Town Council approves this resolution it is stating it approves the sale of the bonds, and once they're paid off the Town will accept the property on which the new Town Hall is to be built back from the Building Corporation. The Town Council is also approving the Continuing Disclosure Undertaking Certificate. Further, by approving the resolution they're giving Scott Oldham and Sandra Hash authority to sign the Continuing Disclosure Undertaking Certificate near the closing. The Municipal Securities Rulemaking Board has rules for investor protection in place with regard to municipal securities which requires the Town to file certain reports on a regular basis. In March 2015, the Town Council considered a contract from H.J. Umbaugh & Associates ("Umbaugh") to do that report for the Police and Fire Bonds and this is part of the same thing. Umbaugh will have to do the same report for the new Town Hall. By approving this resolution they're also saying, as the Town Council, they understand their financial obligations and Umbaugh, or somebody on the Town's behalf, will file the necessary financial documents with regard to the bonds. Mr. Farris asked if there is a cost is it figured into the bonds. Ms. Brown replied there is a cost but doesn't think it is very much.

Dianna S. Bastin entertained a motion for the resolution. Kevin Farris made a motion to pass Resolution 03-2016 and the attached Continuing Disclosure Undertaking Certificate. Scott Thomas seconded. Roll call vote: Dianna S. Bastin – yes; Kevin Farris – yes; Brian Mobley – yes; and Scott Thomas – yes. Motion carried 4-0.

Ordinances on First Reading

Ordinance 2016-01 Vehicle Marking Policy

Jim Davis, Town Manager, explained the Town is happy with the current marking policy. If any of the supervisors want to make variations from the policy they have to get Town Council approval to do so.

Dianna S. Bastin advised the policy was her idea. She likes for it to be transparent and the equipment is marked with the Town's name on it. She received a call about two employees building new homes and using the Town's backhoe. She checked and they were not using the Town's backhoe. The Town's backhoe is clearly marked Ellettsville.

Darla Brown, Town Attorney, explained she suggested this be placed under Chapter 34, Town Policies. The only policy under that section is the Town's smoking ordinance which is duplicative of the state's ordinance. She suggests the Town Council consider repealing the smoking ordinance and inserting this ordinance in its place. If Town Council does not want to do that, she will renumber these and put them behind the smoking ordinance which is §§34.01, 34.02 and 34.03.

Brian Mobley asked what an "Operations Chief Deputy Marshal" is because he thought there were two deputy chiefs. Marshal Durnil explained they have two Chief Deputies, Jay Humphrey and Tony Bowlen. Chief Deputy Bowlen is in charge of administrative duties and works the road. Chief Deputy Humphrey is in charge of operations and takes calls. Mr. Mobley asked why is one vehicle marked and one is not. Marshal Durnil answered there is a separation between the two because Chief Deputy Bowlen works for Chief Deputy Humphrey.

Scott Thomas asked if the initial concern was visibility and markings on the vehicles when officers are making calls. If that's the case and both Marshals are making calls, why aren't they both marked? Marshal Durnil replied it was to differentiate between the two positions. In his background it is a normal status situation in that the Chief Deputy or assistant would have an unmarked car. Mr. Thomas asked if they're okay with the fact one car won't have markings when responding to calls. Mr. Durnil commented in 2015, four of the former members of Town Council were okay with leaving one car unmarked. Mr. Mobley noted there will be three unmarked cars. He asked Mr. Davis about window tinting, rain guards and names on the vehicles in the policy. When he was on the Police Department they personally paid \$200 to \$400 for window tinting and rain guards. He wants the policy to state if someone doesn't want the window tinting they can take \$200 to put in their vehicle

for something else, to make it fair for everybody. Marshal Durnil said it was his understanding it is included in this year's budget and they haven't had anyone turn down the window tinting.

Dianna S. Bastin had asked someone about window tinting and was told it reduces the sun and heat and protects transmitters inside of cars. She doesn't want the officers putting their personal money into their vehicles. She is all for the rain guards and they should be standard equipment on police cars. Marshal Durnil concurred.

After a discussion, the consensus was to delete the smoking ordinance. Ms. Bastin clarified the Town will follow the state smoking policy.

Old Business

Engineering Proposals for Design and Implementation of the Newly Required Phosphorus Removal at the Wastewater Treatment Plant – Jeff Farmer

Jeff Farmer, Bynum Fanyo Utilities, previously provided the Town Council with the information. Within the first six months of the year, starting January 1, 2016, they're required to remove phosphorous under the new permit and they have six months to implement a plan. He contacted two engineering firms in Indianapolis for a proposal to change over or add to their operation to remove it chemically and biologically. He chose to remove it chemically because it is required by the state. They're going to do it in steps. After reviewing the proposals he chose Wessler to provide a proposal on how to move forward chemically.

Brian Mobley asked how much construction will have to be done. Mr. Farmer answered it will be done after it is bid out. It will be a chemical feed building with pumps. When they get the plans they will have a better idea of what can be done in-house which they will separate from the bids before they're released. A majority of the work will be done by a construction company. He wants to set up the building so they can add blowers and put in the electrical to do it biologically when the time comes. No matter what you do the state makes you remove it chemically. The cost is \$58,500 for the design and working with the Indiana Department of Environmental Management to secure the permits. Then it goes out for bid with construction to follow. Mr. Mobley asked if they will have to bond for this. Mr. Farmer answered they will have to wait on the costs but thinks it can be done in-house.

Dianna S. Bastin entertained a motion to accept the engineering proposal for Wessler. Scott Thomas made a motion to accept the engineering proposal and design implementation for Wessler. Brian Mobley seconded. Roll call vote: Dianna S. Bastin – yes; Kevin Farris – yes; Brian Mobley – yes; and Scott Thomas – yes. Motion carried 4-0.

New Business

Review and Sign the Preliminary Official Statement for the Bond of the New Town Hall

Darla Brown, Town Attorney, clarified the Preliminary Official Statement explains the Town Hall project to potential customers whom may be interested. This was prepared by Ryan Feters, H J Umbaugh. In project personnel, she told Mr. Feters that David Drake was replaced by Brian Mobley, asked him to correct Scott Thomas' name and change Dianna S. Bastin to Vice President and include her middle initial. The Building Corporation will consider the statement at their meeting.

Scott Thomas asked if the amount the Town will pay back to Utilities needs to be reflected in the statement. Ms. Brown will ask Mr. Feters but thinks the decision at the last Town Council meeting was to reimburse \$300,000 to Utilities and transfer \$200,000 in property to them.

Dianna S. Bastin asked for a motion to approve the Preliminary Official Statement including the attached appendix for the bond for the new Town Hall. Kevin Farris made a motion to accept the Preliminary Official Statement for the bond at the new Town Hall including the attached amendment. Scott Thomas seconded.

Roll call vote: Scott Thomas yes; Brian Mobley – yes; Kevin Farris – yes; and Dianna S. Bastin – yes. Motion carried 4-0.

Project Manager for the Construction of the New Town Hall

Jim Davis, Town Manager, put together a list of requirements should the Town choose to have a construction monitor for the Town Hall project. He suggested if Town Council approves the list he and Rick Coppock will meet with companies to find out their pricing.

Dianna S. Bastin asked if there were project managers for the Police and Fire Departments. Mr. Davis replied the Police Department did not have a project manager. He and Kevin Patton were the project managers for the Fire Department. Ms. Bastin is interested to find out the costs but doesn't want to spend any more of the taxpayers' money if they don't have to.

It was the consensus of the Town Council for Mr. Davis to move forward with pricing.

Litten Estates, Phase II, (Quality Ventures, LLC) Request to Reduce their Letter of Credit from \$24,000 to \$14,000

Kevin Tolloty, Planning Director, explained Litten Estates, Phase II, has a current Letter of Credit for \$24,000 that expires at the beginning of next month. The Planning Department sent a notice for them to renew their Letter of Credit. Quality Ventures, LLC has requested their Letter of Credit be reduced to \$14,000. The only item outstanding on their Letter of Credit are the sidewalks. Last year they installed approximately 500 Linear Feet which leaves them 700 Linear Feet to go thus reducing their Letter of Credit to \$14,000.

Brian Mobley asked what a Letter of Credit is and why they want it reduced. Mr. Tolloty explained between the preliminary and final plats not all of the infrastructure is in place. They have put everything in place except for all of the sidewalks which usually go in as the homes are built. Letter of Credit is capped so if the developer pulls out and does not finish the Town can tap into the Letter of Credit and finish the project. Ms. Brown added it costs them money for the bank to keep a Letter of Credit at a certain level so if the developer can reduce it they want to try and do so. Mr. Mobley asked why there are no street lights in Litten Estates. Mr. Tolloty answered the Town does not require street lights. Ms. Bastin asked if there were any issues with Litten Estates that would make them not want to do this. Mr. Tolloty replied in 2015, he, Denise Line, Kip Headdy and Danny Stalcup inspected Litten Estates and everything was in compliance. Ms. Hash explained in the past the Town entered into long term agreements with Cinergy and Public Service and when Duke purchased the electric company they revamped how street lights are purchased and it became cost prohibitive.

Dianna S. Bastin asked for a motion for Litten Estates to reduce their Letter of Credit. Scott Thomas made a motion for Litten Estates, Phase II, Quality Ventures, LLC, to reduce their Letter of Credit from \$24,000 to \$14,000. Kevin Farris seconded. Roll call vote: Dianna S. Bastin – yes; Kevin Farris – yes; Scott Thomas – yes; and Brian Mobley – yes. Motion carried 4-0.

Council Comments

Brian Mobley stated at an Indiana Association of Cities and Town training they discussed a state statute that says change orders cannot exceed 20% of the bid. He also asked the status of the Planning Department survey. Mr. Tolloty answered they're still tabulating because the essay responses take longer. Brian asked Fire Chief Cornman what kind of building is going in front of the nursing home at Curry Pike and State Road 46. Chief Cornman answered it is an insurance building. Brian mentioned he talked to Jim Davis who was going to meet with Rick Coppock because he had read Stinesville got a grant for floods and Spencer got a grant for a development project. He thinks the Town is missing a lot of opportunities for grants. The Street Department is working on a grant for a Bobcat. Mr. Stalcup explained they're wanting to replace a lawnmower that is 26 years old and a wheel horse that is 24 years old with a Bobcat. The United States Department of Agriculture Office of Rural Development says they're eligible for a \$9,000 grant and

they’re working to secure it. Mr. Mobley said Mr. Stalcup needs some guidance and someone to help them get this moving. Mr. Thomas thinks it’s a good idea to consider someone to spearhead this and continue to look for options. Mr. Mobley stated he and Sandra Hash attended a meeting wherein they talked about a four or five year Comprehensive Plan for road repairs. With this they could apply for federal aid.

Brian Mobley contacted senators and legislators about a groundbreaking ceremony for the New Town Hall and they would like to know as it gets closer to the date so they can attend. He added Governor Mike Pence spoke at the Newly Elected Officials training, he commented they need to look at the quality of life in the Town. Drugs are in the Town and he has asked Marshal Durnil to provide him with a training roster to see if they do drug interdiction and what they’re doing to make the quality of life better for children. He is challenging everybody on the Town Council talk to the schools for 10 to 15 minutes concerning quality of life. He plans to call Superintendent Michael Wilcox about the quality of life issues.

Dianna S. Bastin thinks the greatest asset in Ellettsville is the employees. As she’s out, seeing them do what they do, day in and day out, it makes her proud. She wants the employees to know she feels that way. Employees are the Town’s greatest asset. Thank you for what you do. Scott Thomas agreed.

Privilege of the Floor

Brian Mobley asked Gary Ruston of Wessler Engineering to speak about flooding and phosphorus removal.

Gary Ruston, P.E., BCEE, Wessler Engineering, outlined their three core areas: water, wastewater and stormwater. They study drainage and flooding issues, come up with resolutions and end up with construction projects. The place to start is with a study to identify problems and come up with solutions. Getting grant money to do a study is an advantage. DR2 money and the Community Block Development Grants through the Office of Community Rural Affairs (“OCRA”) are two of the common grants that are used. They do provide grant funding for studies.

Adjournment

Dianna S. Bastin entertained a motion to adjourn. Kevin Farris made a motion to adjourn. Scott Thomas seconded. Scott Oldham adjourned the meeting at 7:23 p.m.

Scott Oldham, President

Dianna S. Bastin, Vice-President

Kevin Farris

Brian Mobley

Scott Thomas

Sandra Hash, Clerk Treasurer