

January 25, 2010

The Ellettsville, Indiana, Town Council met for an Administrative Meeting on Monday, January 25, 2010 at 6:04 p.m. at the Fire Department Training and Conference Room. J.D. Powell from JA Benefits spoke regarding insurance benefits. The meeting was adjourned at 6:58 p.m.

The Ellettsville, Indiana, Town Council met for a Regular Meeting on Monday, January 25, 2010 at the Fire Department Training and Conference Room. Phillip Smith called the meeting to order at 7:30 p.m. Sandra Hash led the Pledge of Allegiance. Phillip Smith led in prayer.

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

Supervisors Present: Jim Davis, Jim Ragle, Tony Bowlen, Mike Farmer, Jeff Farmer, Rick Coppock and Connie Griffin were present.

Appointments

Phillip Smith announced he would like to carry the appointments over until the next meeting. Sandra Hash informed him Mr. Baugh would like to continue on the Board of Zoning Appeals and Mr. Pease would like to continue on the Park and Recreation Board. Phillip Smith agreed to re-appoint Mr. Baugh and Mr. Pease and to carry over the appointments to the Plan Commission.

Approval of Minutes

Phillip Smith entertained a motion for the approval of the minutes for the Regular Meeting and the Executive Session January 11, 2010. Dianna Bastin so moved. Scott Oldham seconded. Roll Call Vote: Phillip Smith – yes; Scott Oldham – yes; Dianna Bastin – yes; David Drake – yes; Dan Swafford – yes. Motion carried 5-0.

Accounts Payable Vouchers

Phillip Smith entertained a motion for action to pay Accounts Payable Vouchers. Dan Swafford so moved. David Drake seconded. Roll Call Vote: Phillip Smith – yes; Scott Oldham – yes; Dianna Bastin – yes; David Drake – yes; Dan Swafford – yes. Motion carried 5-0.

Resolutions

Resolution 03-10 Additional Appropriation of a Grant from the Governor's Council on Impaired & Dangerous Driving

Sandra Hash summarized the Resolution. The Ellettsville Police Department secured an Operation Pull-Over Blitz Grant for \$3,000. four periods of time. They have completed first blitz last year. However, for the second blitz we received \$750 and the officers will work overtime hours and be paid from the grant. This additional appropriation is asking permission to put that grant into their appropriation line. Phillip Smith asked specifically what the blitz is for. Tony Bowlen, Town Marshal responded it was for seat belt enforcement. Scott Oldham made a motion to adopt Resolution 03-10. Dianna Bastin seconded. Roll Call Vote: Phillip Smith – yes; Scott Oldham – yes; Dianna Bastin – yes; David Drake – yes; Dan Swafford – yes. Motion carried 5-0.

Ordinances on First Reading

Ordinance 10-01 to Create Separate Funds for Vehicle Replacement in Both the Water and Wastewater Funds

Jeff Farmer, Ellettsville Utilities – This is an ordinance to set up an account we can pay into from our Operation & Maintenance (O&M) accounts in water and wastewater similar to the Equipment Replacement account. Our fleet is 10+ years old and we want to gradually replenish that fleet over time and thought this would be a good budgetary way of doing it. Dan Swafford asked if the money comes out of the O & M account and Jeff Farmer responded in the affirmative. Dan Swafford asked how he determined how much to put into the account and Jeff Farmer replied they would start off small with \$2500 a month from each account instead of just taking a lump sum out of O & M and buying a new piece of equipment. It's something he can budget for every year. That amount may

fluctuate. We may find we need more or less. Dan Swafford asked if he planned on using this account soon. Jeff Farmer responded he would probably replace a piece of equipment this year, but nothing is in the works right now. Dan Swafford asked if he saw anything at this time that will desperately need to be replaced. Jeff Farmer stated the thing he sees most needful of replacing is the Jeep that Dick Grubb drives for reading meters. It has several hundred thousand miles on it.

Ordinances on Second Reading

Ordinance 10-02 to Rezone the Williams Property at 4770 West State Road 46 from R-2 to C-3

Connie Griffin, Planning Director – summarized the ordinance. Mr. John Williams is petitioning for a rezone. His property is located at 4770 West State Road 46 and is next to Fast Max across from Putter's Park. He is petitioning to be rezoned to a C-3. The Ellettsville Comprehensive Plan suggests a commercial focus on strip commercial development east along State Road 46 to Smith Pike and to encourage continued vehicle oriented commercial investment along State Road 46 east of Ellettsville with access management to increase safety. Mr. Williams has met all of the protocol for a rezone including certified return receipt letters notifying adjacent property owners, fee payment to the clerk, advertising the public hearing notice on December 16, 2009 and has no observable code violations. The property is 1.59 acres and is located west of Autumn Hills Subdivision, north of State Road 46, east of the Assembly of God vacant property and received favorable recommendation from the Plan Commission on January 7, 2010. Both petitioners are present.

Mr. John Williams – spoke stating his property is the first non-commercial property from Springs Valley on the north side of the road. He pointed out that area on a map to the Council and audience present. He explained he is 83 years old and he and his wife have lived here through all the construction in Ellettsville. Dianna Bastin made a motion to adopt Resolution 10-02 to rezone the Williams property at 4770 West State Road 46 from R-2 to C-3. Scott Oldham seconded. Roll Call Vote: Phillip Smith – yes; Scott Oldham – yes; Dianna Bastin – yes; David Drake – yes; Dan Swafford – yes. Motion carried 5-0.

Ordinance 10-03 to Rezone the Libkie Property at 4890 West State Road 46 from R-1 to C-3

Connie Griffin, Planning Director – summarized the ordinance. Mr. Libkie is a neighbor of Mr. John Williams. The property is located at 4890 West State Road 46 near Fast Max across from Putter's Park. It is 1.85 acres and Mr. Libkie is coming before you petitioning to be rezoned to a C-3. He too also received favorable recommendation by the Plan Commission on January 7, 2010. The Comprehensive Plan suggests the same factors for Mr. Libkie as Mr. Williams. Mr. Libkie has met all of the protocol for a rezone including certified return receipt letters notifying adjacent property owners, the fee paid to the clerk, advertising the hearing notice on December 16, 2009 and has no observable code violations. He is present for any questions.

Everett Libkie – presented a picture of his property prior to development in Ellettsville. He stated he has lived there for 57 years and is getting older and harder for him to keep it up. The property was called the old Owens Farm and the house was built around 1875. He asked for the rezoning to C-3 because he feels it is inevitable anyway and it might as well be him who requests it. David Drake made a motion to adopt Ordinance 10-03 Rezone the Libkie Property at 4890 West State Road 46 to C-3. Dan Swafford seconded. Roll Call Vote: Phillip Smith – yes; Scott Oldham – yes; Dianna Bastin – yes; David Drake – yes; Dan Swafford – yes. Motion carried 5-0.

New Business

Agreement between the Town of Ellettsville and Indiana Department of Transportation Project Coordination for the Heritage Trail

Connie Griffin, Planning Director reported there was an INDOT meeting held January 22, 2010 at the Planning office where INDOT spoke to them about the Heritage Trail contract in order to ease us into this process. This is a Heritage Trail Transportation Enhancement Grant. As a local public agency we are electing to be reimbursed for 80% of eligible project costs. That was one of the elements of the contract that we were a little unfamiliar with and instead of paying 100% up front and getting credits towards the construction, we're actually going for the 80/20. If a bill comes in for our preliminary

engineering for \$100,000, then we would pay the \$100,000 and be reimbursed 80% of that within about six weeks time period. A project makes its way through INDOT by the following processes: (1) Project Selection Process (2) Preliminary Engineering Process (3) Preliminary Design Process (4) Land Acquisition (5) Final Design Process (6) Ready-for-Letting Process (7) Letting Process (8) Construction Process and (9) Auditing Process. With transportation enhancement funds and the new INDOT agreement revision of 1/25/10 to attachment D, we are seeking to go to that particular 80/20. That has been corrected on your copies of the contract. This grant could be eliminated and the funding pulled because it has been stagnant for a period of time. It can be terminated in whole or in part by the State whenever and for whatever reason the State determines that such termination is in the best interest of the State. When the Director of the Budget state agency makes a written determination that funds are not appropriated or otherwise available to support this particular project, then we could also have the project cancelled. As a town, if we are dedicating ourselves to be committed to this particular project, there are certain things we need to do according to INDOT and that's to appropriate town money to create a line item in our budget for the Heritage Trail. Then, we need to make sure we follow all protocol when hiring a consultant in order to be reimbursed for those funds. We need to go through the appropriate processes making sure that they are INDOT pre-qualified. We then negotiate with a consultant. At that time, when we realize we need more funding, we will go back to the MPO and request for that. We will have to get in line to be put on their transportation improvement projects and also be included in the State's projects listing. We are now in the request for proposals phase and we are ready to start scoring those. We have to make sure we follow all the processes. There are some bills that are outstanding right now that Main Street and Bynum Fanyo have encountered as a result of some arrangements that were made with the former director. That money - \$5500 - will not be able to be counted towards a match or credits. We did not receive a notice to proceed so that money will not be able to be counted. Our cap of federal funds for this project is \$169,610 and once we have reached that cap for the federal funding, if there are any remaining differences, the Town would be responsible for that. According to INDOT, processes have changed in this contract since the Town initiated application nine years ago. We will not be able to use our own labor force or materials. We can save money by doing things once they are agreed upon in contract with a consultant, such as hauling off materials or pre-cleaning an area or cleaning up an area. If, for some reason, the Town had an issue and that particular aspect was not completed before they were ready to go back to work, then the Town would be liable for slowing down the process and could end up getting billed for that as well. If the project does not get completed, the Town would have to pay back the grant funds. Ten to twenty years are allowed to complete the project. We also have to be cautious that we don't go from a twelve foot path to a three foot connection. The path must be INDOT approved. Main Street is requesting some sort of a contract agreement for matching grant funds for Heritage Trail. David Drake asked if the entire trail must be completed in the 16 year time limit or is it just the phase we are in at present. Connie Griffin answered it was her understanding it was the phase we are in presently. David Drake went on to say it is important to make sure before we proceed that we really do have the ability to get this done in that time period because we don't have \$169,000 to give back. Connie Griffin agreed completely and understood that this was a lot to take in and also understood if this needed to be tabled until the next meeting. David Drake reiterated he did not want to back down from the project; he just wanted to ensure it could be completed in the allotted time period before it was begun. Dan Swafford asked if we had spent any of the money in the grant yet. Connie Griffin responded that no money had been drawn down from this particular grant. We are getting ready to score the consultants for the preliminary engineering aspect of this project. We are waiting on past performance scores for those consultants which are INDOT pre-qualified. The consultants are also aware of the new INDOT initiatives we have to follow. The project managers keep a tight rein on the Local Public Agency. There are a lot of support mechanisms built into there. It's a funding issue, it's making sure we understand the contract thoroughly because once we get started we want to make sure everything is followed exactly because if we do make errors they can pull the grant. Dianna Bastin remarked it all sounded kind of negative and asked were there any positives to present because a lot of people are looking forward to the trail. Connie Griffin replied the positive aspect is the matching funds donated by the community to date. Scott Oldham commented that we need to look at this as an investment downtown. He feels downtown has languished for a number of

years. There have been a number of plans put forward to bring people downtown. He looks at this as an economic engine as much as a recreational activity. Ellettsville needs to spend money to make money. We have very little hope of downtown being revitalized if we don't go forward with this project. Sandra Hash remarked she would like to see it happen as well, but is concerned about cash flow. The only pool of money we have is the \$80,000 in the Build Indiana Fund, which is currently reduced to \$50,000 after paying for the insulation for the Fire Station. Last year, the General Fund had to borrow from the Build Indiana Fund for operational expenses until we received our tax settlement. She feels we will be in a better position this year, but she cannot say 100% that we will not have to borrow again this year to operate. We have to make sure we have enough flexible cash to expend and be able to wait six weeks to be reimbursed. Scott Oldham commented that the \$30,000 for the roof at the Fire Station was borrowed from Build Indiana is to be reimbursed, so that is a null and void issue. Also, there is a sixteen year build-out, which is a little over \$10,000 a year. He agreed the bridge was a considerable chunk of money; however, the bridge is now not a part of this project or this phase and was a totally separate issue that probably should have been looked at a little stronger as we went along. The trail itself has been re-envisioned. He stated he understood that \$10,000 a year is a big thing to us, but he also looks at the downtown that needs to be revitalized at some point and if not now, its not going to get any cheaper in the future. Sandra Hash stated she understood his point of view, but the \$169,000 is not going to be near enough to finish the project, so it will depend on future grants which we will hopefully get. If you are willing to earmark the Build Indiana reserve cash just for this project and are committed to it, we can't borrow from it anymore. It will be reserved for the trail reimbursements. The only other option would be to borrow the money over a ten year period. She wanted to make sure Council was aware. Scott Oldham expressed his appreciation for her caution, but reiterated that if we don't do it now, it's not going to get done. Dianna Bastin added those on Council who have worked with Main Street and sat in on meetings have heard there are businesses and others watching and they want downtown revitalized. Sandra Hash stated INDOT also suggested we meet with Bill Williams, Monroe County Highway Engineer, since Monroe County has done several trails. He might be able to look at our project and give us an idea of how much it would cost to get it all finished. Then we would have a good estimate on the cost and have a figure to work toward. Connie Griffin added he is a good connection with the MPO as well. Phillip Smith asked Connie Griffin to set up a meeting with Bill Williams. Dianna Bastin made a motion to table the Town of Ellettsville and Indiana Department of Transportation Project Coordination contract until next meeting. Dan Swafford seconded. Roll Call Vote: Phillip Smith – yes; Scott Oldham – yes; Dianna Bastin – yes; David Drake – yes; Dan Swafford – yes. Motion carried 5-0.

Supervisor Comments

Tony Bowlen, Town Marshal, informed the Council they have three good candidates for reserve officer who would like to come onto the department. They are Joseph Galvin, James Thomas and John Newcomer. Dianna Bastin made a motion to accept the three previously named reserves for the Ellettsville Police Department. Scott Oldham seconded. Roll Call Vote: Phillip Smith – yes; Scott Oldham – yes; Dianna Bastin – yes; David Drake – yes; Dan Swafford – yes. Motion carried 5-0. Sandra Hash swore in each Reserve Deputy Marshal.

Connie Griffin, Director of Planning Services, reported the part-time employee in her office resigned as of Friday, January 22, 2010. She requested she be able to hire her second choice from her prior interview process. Phillip Smith asked Darla Brown, Attorney if there were any problems with her being able to do so and she responded she did not believe so since the posting and hiring process took place within the last two to three weeks. Connie Griffin was instructed to bring her before the Council's next meeting if she accepted.

Council Comments

Dianna Bastin commented that during the past year she has been continuously asked "What are you doing to save money?" "Why have you done this or that?" She would like to commend the supervisors in Ellettsville for their ability to adapt and adjust. They managed to turn in \$193,000 of unused appropriations. They have worked very hard finding different ways to do things to save money, shut off lights, and worked really, really hard to save the Town of Ellettsville money, from Fire all the way to Street. All they did

was ask the supervisors and they stepped up and saved the Town money – not the Council, but the supervisors – and they deserve the credit. No service was interrupted.

David Drake was asked by a citizen to bring this subject up. The center lanes along 46 are not acceleration lanes, but turning lanes. They are not for pulling out from a side street and flying down the middle of them to get back out into traffic again. That is illegal. He would ask the Police Department to keep an eye on it as well, as this tends to happen frequently.

Privilege of the Floor

Darlyne Sowder, resident of Ellettsville downtown next to her business. Her concern is the animal control issue. In the past couple of weeks she has been challenged by a loose, stray dog. Also, Saturday a large raccoon was killed on the highway in front of her driveway. She began making calls to see who was to take care of it. Everyone told her it was Saturday and nothing could be done until Monday. Her question was who to call for an animal control issue – either dead or alive animal? David Drake said in the case of a dead animal, it would be the State Highway or Town Street Department. But, on a Saturday when everyone is closed, there would be no one. Even in the city of Bloomington where they have a full time animal control department, no one is going to come out on a weekend or at night unfortunately. Dianna Bastin stated you could contact all street departments and you will be put on a list to be taken care of, but even if it happens on a Monday, it may not be taken care of on that day. Scott Oldham stated that as far as the dog challenging her on her property, if she feels endangered she can call Ellettsville Police Department, but they have no jurisdiction over routine animal control. The Town of Ellettsville has no animal control ordinances – that is a Monroe County issue - and the Town has not seen the need for additional ordinances. The Town cannot enforce the County ordinances and therefore she needs to call the Monroe County Sheriff’s department or animal control. Jim Ragle remarked that if its during the week and on Town streets, the Street Department will take care of a dead animal, but if its on the highway the State Highway Department will take care of that.

John Williams expressed pleasure with Jim Ragle and the Street Department due to the snow removal in the Briargate area. He is also pleased with the brush and leaf removal by the same group. He would also like to thank the Planning Department for presenting the proposal for his rezone request.

Jeanna Kapczynski , President Ellettsville Main Street, Inc. read her personal letter to the Council requesting a contract between Town Council and Main Street regarding the matching funds for the Heritage Trail. Phillip Smith agreed and stated they would be in contact with Darla Brown to work out a contract. Sandra Hash informed the Council Main Street has already reimbursed the Town and the Town paid one invoice for \$3200. We have been presented with additional invoices for survey work in the amount of \$2,374.75. Due to the fact these are not going to be reimbursable, I think Main Street is now reluctant to spend this because it would spend down their money for the match. She wanted to present that there is an outstanding bill for services rendered and she needs to know how the Council would like to proceed. She said she understood there was one more additional bill which will bring this up to about \$3000. Phillip Smith asked Sandra Hash to get both bills together and bring it back to them because he did agree it needed to be paid. Scott Oldham asked if they should request Darla Brown begin work on a contract and it was determined she could proceed.

Adjournment

Phillip Smith entertained a motion to adjourn. Dianna Bastin so moved. Dan Swafford seconded. Motion carried. Phillip Smith adjourned the meeting at 8:39 p.m.

Phillip Smith, President

Scott Oldham, Vice-President

Dianna Bastin

David Drake

Dan Swafford

Sandra C. Hash, Clerk-Treasurer