

January 26, 2015

The Ellettsville, Indiana, Town Council met for a regular meeting on Monday, January 26, 2015, at the Fire Department Training and Conference Room. Scott Oldham called the meeting to order at 6:30 p.m. David Drake led the Pledge of Allegiance followed with a prayer by Scott Thomas.

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

Supervisors present were: Mike Cornman, Danny Stalcup, Tony Bowlen, Mike Farmer and Kevin Tolloty.

Approval of Minutes

Scott Oldham entertained a motion for approval of the minutes for the regular meeting on January 12, 2015, and the Executive Session and Work Session on January 20, 2015. David Drake so moved. Scott Thomas seconded. Motion carried.

Accounts Payable Vouchers

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

Resolutions

Resolution 02-2015 Authorizing Town Manager, James R. Davis, to Negotiate for Property

Darla Brown, Town Attorney, explained this authorizes the Town Council to appoint the Town Manager as the Town's agent for the purposes of negotiating the purchase of real estate for the construction of a new municipal building next to the Police Department. The Town Council will reserve the right to approve the purchase price and all other conditions of the sale.

Scott Oldham entertained a motion to adopt Resolution 02-2015. David Drake made a motion to adopt Resolution 02-2015. Kevin Farris seconded. Roll call vote: Scott Oldham – yes; David Drake – yes; Scott Thomas – yes and Kevin Farris – yes. Motion carried 4-0.

Old Business

Heritage Trail Update

Mike Farmer, Ellettsville Utilities, advised they have been working on the trail for five days. Most of the clearing has been done. They hope to finish clearing in another two or three days. After the clearing has been done they will meet with Main Street to determine the exact path of the trail. They will put stone on the trail until spring. When everything that will go on it has been decided then they will prioritize completion of the trail.

Flood Abatement

Rick Coppock, Bynum Fanyo and Associates, Town Engineer, explained he and the former Director of Planning met with David Knipe of the Department of Natural Resources ("DNR") and representatives from the Polis Center in Indianapolis about the possibility of Federal Emergency Management Agency ("FEMA") funds available. The purpose of the meeting was to evaluate the Town's flooding issues and determine if the Town would be a good candidate to receive services from the DNR for computer modeling. Modeling is expensive and time consuming. Should the Town be selected, the DNR, with the assistance of the Polis Center, would do the modeling. The models would then be reviewed by DNR staff who would make suggestions as to what might help reduce flooding in the area. For example, those suggestions could be to remove restrictions in the creek, a new bridge or several other things that could happen that would be a result of doing a computer model of

the hydraulics of the creek. They would take a look at what changes the model and how it might improve the flow and eliminate some of the flooding issues. Then, there would have to be a design of the improvements which would most likely be excavation of areas within the floodplain. It would then be forwarded to the DNR for the normal construction process. A lot of the upfront work as a result of the modeling would be done by the DNR. He talked to David Knipe and he advised they will be meeting with FEMA to go over information gathered from communities from around the state. A report of the findings will be published. If someone is hired to do a computer model of the creek, then you're paying for a lot of time intensive data entry and evaluation. Bynum Fanyo has done some of this work by going off of existing models already submitted to the DNR such as the new Matthew's bridge. They will work from those models and make corrections for what may have changed in cross sections of the creek. The price tag for this in the areas of McNeely Street, Matthew Street and State Road 46 on the south side of the west bound bridge is \$17,000 to \$22,000. The computer model will give the water surface elevation. To decrease flooding a separate grading plan would be done for taking out areas of earth, re-routing overbank areas and creating more storage areas. Then this information is entered into the model to come up with an alternative they think would be in the best interest of the Town. After that the application for the construction permit is submitted to the DNR. It is a lengthy process. They're hopeful the DNR will give some assistance to the Town and save money. They have run models for what they have to date and looked at different things that require grading but they haven't got into the larger scope of it on the State Road 46 east bound bridge.

Kevin Farris asked where it starts. Mr. Coppock replied it would probably start around the new Matthews bridge. This is the most recent model submitted to the DNR. They looked at the McNeely bridge and it appears to need work because it bottlenecks. DNR agreed it may be an area where something needs to be done for more water to pass through it. The west bound State Road 46 bridge by the old Town Hall was approved in the early 1980s without the requirements for today's bridges and passing water. They could look at opening up the underneath of the bridge. It has a sewer line on the north side of it which could be relocated. They would go from Matthews Street to the south end of the Stewart property. Mr. Farris asked if they model the tributaries. Mr. Coppock answered they don't model the tributaries as far as looking at them individually. They do take into account what flow would come from those tributaries. The most recent models are on the DNR website. Mr. Farris asked if the DNR does it do they pay for it. Mr. Coppock answered yes, and it is his understanding FEMA will pay the DNR to do it. Residences and buildings that didn't have substantial loss may work against the Town.

Scott Thomas asked when that part of the modeling is done would they then take a look at making more of a retention area for the property the Town purchased. When does that portion of the potential project come into play? Mr. Coppock replied first, they get the existing models set and then do a grading plan and look at the excavating areas to provide additional storage. The DNR said the Town was ahead of most communities because of what they were able to give them, what had been done in the past and the information that was available.

Lease Agreement Between the Town of Ellettsville and Richland Township Trustee for Marci Jane Lewis Park

Darla Brown, Town Attorney, explained this is the same agreement as presented at the last meeting. She asked the Township's attorney if the Township Trustee would consider an evergreen clause by which the contract would be renewed automatically unless one party notified the other. At this time, the Township Trustee is not inclined to do so.

Scott Oldham entertained a motion to approve the lease agreement between the Town and Richland Township for the Marci Jane Lewis Park. David Drake made a motion to approve the lease agreement between the Town and Richland Township for the Marci Jane Lewis Park. Scott Thomas seconded. Roll call vote: Scott Oldham – yes; David Drake – yes; Kevin Farris – yes and Scott Thomas – yes. Motion carried 4-0.

New Business

Quality Ventures, LLC's Request for Reduction on Letter of Credit for Litten Estates, Phase II, No. 1009700880

Darla Brown, Town Attorney, explained Quality Ventures, LLC is the developer for Litten Estates, Phase II. Sometime ago, it posted an Irrevocable Letter of Credit in favor of the Town to secure the funds for improvements to be completed in the development. On January 15, 2015, Kevin Tolloty, Danny Stalcup and Denise Line inspected Litten Estates. Trees were planted but the sidewalks are not complete. The issue is whether or not to allow a reduction in the Letter of Credit which expires shortly. Under Town code only Town Council can approve a reduction in the Letter of Credit.

David Drake asked the amount they wanted it reduced to. Ms. Brown answered the Planning Department is of the opinion the bond should reduce to \$19,200 with a 25% contingency of \$4,800 for a total bond of \$24,000. Mr. Oldham asked when they think it will be done. Ms. Brown replied she does not know the answer. There was a question with the previous Planning Director about the sidewalks a year or so ago. Mr. Oldham commented this is something they have been into before with other developments. They want to reduce and never finish. Then, they have to threaten to levy fines. He doesn't know this company but it is a path they have been down before. He will vote no because they don't have a plan for completion or why there is a contingency fee built in. Mr. Farris asked if they're working on them. Mr. Tolloty answered no. Mr. Stalcup said they have a lot of them in but they've stopped.

Rick Coppock explained Town code allows for developers to bond after final plat approval for the improvements that aren't done. Typically, the improvements aren't completed until the entire subdivision is being built-out with homes. If there is any damage to the street it has to be repaired by the contractor who holds the bond. Mr. Drake drives through the subdivision every day and hasn't noticed anything unusual. There are sidewalks where there is more development. Mr. Coppock mentioned there is not a set time limit under the Town code. Mr. Drake noted it is normal.

Scott Oldham entertained a motion to approve the request for the reduction on a Letter of Credit for Litten Estates to \$24,000 as recommended. David Drake made a motion to approve the request for the reduction on a Letter of Credit for Litten Estates to \$24,000 as recommended. Kevin Farris seconded.

Sandra Hash stated being a member of the Plan Commission she knows the addition is not totally built-out and thinks the sidewalks are finished in the areas where the homes are built. It is common practice not to put sidewalks in on unpurchased lots.

Roll call vote: Scott Oldham – no; David Drake – yes; Kevin Farris – yes; Scott Thomas – no; Sandra Hash - yes. Motion carried 3-2.

Council Comments

Scott Thomas announced the loss of Captain Charles LaSota, USN, retired, who passed today. Captain's LaSota's final tour of duty was as commanding officer at the Crane Naval Surface Warfare Center. He was in the Navy for 35 years and involved with the Boy Scouts for over 50 years. Since Captain LoSota's retirement he had been involved with many things in the community. Although sad to see him go, he is thankful for the amount of time Captain LoSota was in the community.

Supervisors Comments

Town Marshal Tony Bowlen is requesting approval to add two new reserve members to the Ellettsville Police Department. They are Cody Baker and Andrew Deckard and both have prior experience with the Monroe County auxiliary police.

Scott Oldham entertained a motion that Cody Baker and Andrew Deckard be appointed as reserve officers with the Ellettsville Police Department. David Drake made a motion that Cody Baker and Andrew Deckard be appointed as reserve officers with the Ellettsville Police Department. Scott Thomas seconded. Roll call vote: Scott Oldham – yes; David Drake – yes; Kevin Farris – yes and Scott Thomas – yes. Motion carried 4-0.

Sandra Hash administered the Oath of Office to Cody Baker and Andrew Deckard.

Privilege of the Floor

Adjournment

Scott Oldham entertained a motion to adjourn. David Drake made a motion to adjourn. Scott Thomas seconded. Scott Oldham adjourned the meeting at 6:58 p.m.

Scott Oldham, President

Scott Thomas, Vice-President

Dianna S. Bastin

David Drake

Kevin Farris

Sandra C. Hash, Clerk-Treasurer, IAMC, MMC