

January 9, 2006

The Ellettsville, Indiana, Town Council met in regular session on Monday, January 9, 2006, at the Fire Department Training and Conference Room. William Evans called the meeting to order at 7:30 p.m. Phillip Rogers led the Pledge of Allegiance and Lisa Creech led in prayer.

Roll Call: Members present were William Evans, Vice President; Lisa Creech, Phillip Rogers and Dennis Williamson. Sandra Hash, Clerk-Treasurer and Mike Spencer, Attorney were also present. Patrick Stoffers was absent due to illness.

Supervisors Present: Jim Ragle, Jim Davis, Ron McGlocklin, Jay Humphrey, and Frank Nierzwicki were present.

Approval of the minutes

Lisa Creech made a motion to approve the minutes for the regular meeting on December 27, 2005. Phillip Rogers seconded. Motion carried.

Action to Pay Accounts Payable Vouchers

Lisa Creech made a motion to pay the Accounts Payable Vouchers. Phillip Rogers seconded. Motion carried.

Election of Officers

William Evans requested this be tabled until the next meeting.

Lisa Creech made a motion to table the Election of Officers until the next meeting. Phillip Rogers seconded. Motion carried.

Appointments

Board of Zoning Appeals (R) term ending 12-31-09

William would like to table this until the next meeting since this is an appointment made by the President.

Lisa Creech made a motion to table the Appointment for the Board of Zoning Appeals until the next meeting. Phillip Rogers seconded. Motion carried.

Resolutions

Resolution 01-06 Cancellation of outstanding warrants

Sandra explained this resolution is to void any outstanding checks written two or more years ago as of December 31. William asked if the total of the checks needs to be noted with the resolution. Sandra said if the resolution is passed, she will include the totals in the minutes.

The Clerk-Treasurer is hereby authorized to void the following checks:

<u>Check #</u>	<u>Date</u>	<u>Payee</u>	<u>Fund</u>	<u>Amount</u>
2847	01/14/03	David Franklin	500-13120-25	19.63
3101	05/28/03	Tonya Schutte	500-13120-25	2.97
3377	10/15/03	Jane O'Connor	500-13120-25	3.99
Total for Fund 500				\$26.59
3289	08/26/03	Neil Miller	503-12760-25	30.00
3391	10/15/03	Jeffrey A. Bowman	503-12760-25	30.00
Total for Fund 503				\$60.00
Total of Outstanding Warrants to be Cancelled				\$86.59

Lisa Creech made a motion to accept Resolution 01-06 Cancellation of outstanding warrants. Phillip Rogers seconded. Motion carried.

Ordinances on Second Reading:

Ordinance 05-27 amending Chapter 36 of the Ellettsville Town Code concerning Paid Time Off for Town Employees

Jim Davis, Ellettsville Fire Department, mentioned this ordinance is to change the wording in this particular part of the Town's Employee Personell Policy to make it clearer. Mike Spencer made some additional changes.

Lisa Creech made a motion to adopt Ordinance 05-27 amending Chapter 36 of the Ellettsville Town Code concerning Paid Time Off for Town Employees. Phillip Rogers seconded. Motion carried.

Michael Spencer Contract

Dennis Williamson read the contract in its entirety. This agreement is between the Town of Ellettsville and Michael J. Spencer, Attorney. Summary:

- ❖ Town will pay \$7,500.00 as an annual retainer
- ❖ Attorney is expected to attend meetings and handle routine matters on behalf of the Town
- ❖ Town will pay Attorney and his staff on an hourly basis for
 - Work pertaining to sewer and water
 - Any complex matter requiring either litigation or expenditure of an inordinate amount of time. The hourly rate will be as follows:
 - Senior Attorney, which includes Michael J. Spencer, Suzanne Sturgeon or Frank A. Barnhart at the rate of \$120.00 per hour
 - Associates at the rate of \$110.00 per hour
 - Legal Assistant at the rate of \$50.00 per hour
- ❖ If the Town has a bond issue, the fee to the Attorney shall be on an hourly rate determined at the time the Town decides to conduct the bond issue

William Evans stated this is the same contract Mike Spencer has had for many years. Mike commented the amounts are the same as last year.

Lisa Creech made a motion to accept the contract for Michael Spencer for 2006. Phillip Rogers seconded. Motion carried.

Supervisors' comments

Ron McGlocklin, Ellettsville Police Department, is still having problems getting Mr. Neidigh to repair items under warranty. The Town still has the bond and an unpaid bill for \$14,000. Ron has tried notifying Mr. Neidigh several times and feels Mike Spencer might need to get involved. William asked what needs to be completed. Ron said there is a problem with the drywall cracking in the building. The gutters are not working either because when it rains the water shoots off the roof. Mr. Neidigh is aware of these problems. Ron is meeting with another contractor to get an estimate on resolving these problems. The building is still under warranty and Mr. Neidigh should be taking care of these problems.

Jim Davis, Ellettsville Fire Department, received a phone call that a department in Owen County needs some spare air bottles. He reminded the Council a year ago the County Fire Department received a grant through Emergency Management Advisory Council. The County Fire Departments all purchased new air packs and took the old ones out of service. The Town has donated some of those air packs to other departments. He would like to know if there needs to be some documentation to declare the old air bottles surplus so we can donate them to this department in Owen County. Mike Spencer asked which Fire Department needs them. Jim said Freedom Fire Department, a volunteer Fire Department in Owen County. Mike then asked if they were a structured organization with appropriations. Jim said he thinks they are but will check. Mike wants to make sure this organization is properly formed. It would be easier for the Town to give them away if they are a governmental and non profit corporation. Jim said he will check but in the mean time could we possibly loan them the air packs for 20 or 30 days until we can resolve the issues because they are in a bind. William asked how long it would take to find out all this information. Jim said a day or two. William suggested the Council act on this at the next

meeting. Jim went on to ask if he could loan them the air packs until we can finalize a resolution declaring them surplus property. William and Mike said it was okay.

Frank Nierzwicki, Planning Services, gave the status on the Edgewood Village situation. A certified letter was sent to the developer on December 6, 2005 stating that all violations, covenants, PUD and Town Ordinances must come into compliance by December 28, 2005. The duplexes located on the north side of Mustang Drive are making progress. He has a prepaid bill for the grass seeding. The concrete drive has been installed on the second set of duplexes. They are actively working with a Management Group to ensure the age requirements. He has not seen any movement or improvement with the situation on the south side of Mustang Drive. These are the garden homes located on the south. A stop work order was issued January 4, 2006 on the south side development. Work has proceeded on January 7, 2006 in violation of the stop work order; the Town will look into issuing a fine. He has a meeting with the developer January 10, 2006 at 9:30 a.m. William asked if there is a date set for seeding the north side. Frank said when the weather permits and they are having someone do the work. It was clarified the developer of the south side is Mr. Voils.

Sandra Hash mentioned on January 18, 2006 she will be attending the IACT Legislative Session in Indianapolis. She is on a committee with IACT and there is a committee meeting that day. She will also attend a class on Hometown Matters, which explores alternate methods of financing rather than property tax. There will also be a class on the Governors transportation plan.

Dennis Williamson reported on the Parks and Recreation Board meeting that was held January 3. All five members were in attendance. They elected New Officers as follows: Brett Williamson is the new President; Ed Macatangay, Vice President; and Amber Ragle, Secretary. They posted their calendar with the meetings on the first Monday of the month unless there is a holiday then it would be the first Tuesday.

He received a thank you card but it was actually for Jim Ragle and the Street Department. He read the card in its entirety. The card thanked the workers of the Ellettsville Street Department for their excellent efforts to help clean up the remnants of Katrina that visited Ellettsville in November. An old large pine tree that survived two tornados finally fell to the Katrina storm. The Street Department hauled the limbs and cut the branches. They also managed to help remove three to four large pieces too heavy for the writer and his grandson to remove. Please pass on a big thank you for a job well done. The card was signed Dick Norris on South Sale Street.

William Evans announced the Reserve Volunteer hours for November 165.55 and 248.75 for December. For the year 2005 the total hours were 3834.85. This is highly commendable because they do not get paid. The Town appreciates it.

Privilege of the Floor – non Agenda Items

Russ Ryle sent Patrick Stoffers best wishes that he feels better soon. He also passed out some information that was sent to the paper. He wanted to discuss this tonight with the full Council but with Patrick's absence, he will table this until the next meeting but he wanted the Council to be aware of what is being requested. He is very pleased and thankful with all the effort of Frank and everyone else to get Edgewood Village resolved. He then submitted some pictures of "Lake Mary Street". January 2, 2006 there was severe weather, 3/10 of an inch of rain fell. The pictures showed the flooding with 3/10 of an inch of rain. He then pointed out the standing water between his house and Mr. Fisher's property. The next photo showed the water standing behind the garden homes that looked more like a pond. The last photo is looking east from his property, two houses up; there is a puddle where there was no standing water before. Apparently what has happened is when the next garden home was put in, it has compromised the drainage. Ellettsville gets 3-5 inches of rain, at one time, at least twice a year. His point; what will the standing water look like then? William asked how long the water stood there before draining. Russ said two hours. He went on to say that he is not a lawyer or an engineer but a country boy farmer and knows water does not run uphill. If you put an earthen dam over a valley, it will hold water. There are already two garden homes experiencing flooding. The water is

coming up on the porch and into the front door off of Mustang Drive. The standing water is an indication the water is not flowing to the retention pond. William said that we are working on this.

Roger Click, resident on Mustang Drive, understood the trailer that has been parked on the end of Mustang Drive was to be removed by December 27, 2005 from the notes he has. The bricks were supposed to be removed and the fence starting to go up.

Frank clarified for the record, the letter that went out December 6, 2005 talked about the trailer parked on the grassy north east corner of the development and debris on the east end of Mustang Drive. William questioned how long the trailer has been parked there. Russ stated the trailer held the plumbing supplies when the project started in 1993. The deadline to move the trailer was December 28, 2005 and they are now in violation. They are also in violation of the fence and debris.

Adjournment

Lisa Creech made a motion to adjourn the meeting. Phillip seconded. Motion carried. Meeting adjourned 8:00 p.m.

Patrick Stoffers, President

William Evans, Vice-President

Lisa Combs-Creech

Phillip Rogers

Dennis Williamson

Sandra C. Hash, Clerk-Treasurer