

July 13, 2015

The Ellettsville, Indiana, Town Council met for a regular meeting on Monday, July 13, 2015, at the Fire Department Training and Conference Room. Scott Oldham called the meeting to order at 6:30 p.m. Dianna Bastin led the Pledge of Allegiance followed with a prayer by Scott Thomas.

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

Supervisors present were: Mike Cornman, Danny Stalcup, Mike Farmer and Jeff Farmer. Denise Line represented the Planning Department and Chief Deputy Marshal Jay Humphrey represented the Police Department.

Approval of Minutes

Scott Oldham entertained a motion for approval of the minutes for the regular meeting on June 27, 2015. Dianna Bastin so moved. Kevin Farris seconded. Motion carried.

Accounts Payable Vouchers

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

Proclamation -

Americans with Disabilities Act Celebrating 25 Years

Denise Line, ADA Coordinator, explained all state and local governments have been asked to prepare athis Proclamation to recognize the 25 year anniversary of the signing of the Americans with Disabilities Act which was signed into law on July 26, 1990. The Proclamation will become part of the anniversary scrapbook. The Proclamation and is as follows:

Town of Ellettsville Proclamation

TO ALL OF WHOM THESE PRESENT MAY COME, GREETINGS

WHEREAS, on July 26, 1990, President George H.W. Bush signed into law the Americans with Disabilities Act (“ADA”) to ensure the civil rights of people with disabilities. This legislation established a clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities. On July 26, 2015, we will celebrate the 25th anniversary of the signing of the ADA; and

WHEREAS, the ADA has expanded opportunities for Americans with disabilities by reducing barriers and changing perceptions, and increasing full participate ionn in community life. However, the full promise of the ADA will only be reached if we remain committed to continue our efforts to fully implement the ADA; and

WHEREAS, on the 25th anniversary of the Americans with Disabilities Act, the Town of Ellettsville celebrates and recognizes the progress that has been made by reaffirming the principles of equality and inclusion and recommitting our efforts to reach full ADA compliance.

NOW THEREFORE, the Town of Ellettsville, Indiana, does hereby reaffirm to continue to work toward full ADA Compliance.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed, the great seal of the Town of Ellettsville, at the Town Council Chambers, on this 13th day of July, 2015.

Scott Oldham announced the Town Council declaresd July 26, 2015, as a day of celebration of the 25th anniversary of the signing of the Americans with Disabilities Act.

Ordinances on First Reading

Ordinance 2015-09 to Amend Section 33 of the Ellettsville Town Code Regarding the Purchasing Policy

Jim Davis, Town Manager, advised there were several concerns about the Town’s current purchasing policy. He worked with the Town Attorney to draft the ordinance.

Scott Oldham announced the ordinance will be available for public viewing on the website.

Ordinances on Second Reading

Ordinance 2015-08 to Amend Chapter 9 of the Ellettsville Town Code Regarding Burning, Burned and Burning Material

Fire Chief Mike Cornman, Ellettsville Fire Department, explained this ordinance is to release some of the restrictions on the burning ordinance. The proposed ordinance allows

fire pits but trash and refuse cannot be burnt. The Only wood cut small can be used in fire pits has to be small. Upon passing of this ordinance he anticipates an increase in fire calls until the public is educated about the ordinance.

Scott Oldham said advised the Town hasn't had a fire related call to for fire pits for in over 10 years. Chief Cornman agreed. Ms. Bastin asked about the neighbor who may have health issues and when the person next door is burning wood in their fire pit. Chief Cornman said it will be an issue. They rely on Indiana Code which states if someone has a health issue they can file a complaint with the Indiana Department of Environmental Management. According to the proposed ordinance, if it is a hazard the Fire Department can tell them to extinguish their fire. Mr. Oldham said this is not about bonfires but a small patio style fire. Chief Cornman agreed.

Scott Thomas commended Chief Cornman for his work on the ordinance. He was impressed with Chief Cornman's responses to his questions. A lot of work went into the ordinance and it was long overdue.

Darla Brown, Town Attorney, amended the ordinance because refuse and rubbish were not defined but were used in the ordinance.

Scott Oldham entertained a motion to adopt Ordinance 2015-08. David Drake made a motion to adopt Ordinance 2015-08. Kevin Farris seconded. Roll call vote: Scott Oldham – yes; Scott Thomas – yes; Dianna Bastin – yes; David Drake - yes and Kevin Farris – yes. Motion carried 5-0.

Fire Chief Mike Cornman asked when the ordinance will become effective. Ms. Hash replied after the ordinance is published.

Old Business

Heritage Trail Update - Mike Farmer, Bynum Fanyo and Associates, advised there is nothing new to report because of rain.

Flood Abatement – Jim Davis, Town Manager, explained they he received a copy of an email from David Knipe of the Department of Natural Resources ("DNR") to Rick Coppock dated June 24, 2015, which states the following: *"We have completed the initial set of models. We need to review and work on others. I hope to have something a little more complete by the end of July."* Mr. Oldham commented the Army Corps of Engineers was correct we are back in a wet cycle.

Department of Natural Resources ("DNR") – Chad Stephens ("Chad's") Request to Remove Debris from Jack's Defeat Creek

Darla Brown, Town Attorney, explained earlier this year the Town, earlier this year, filed an application with the DNR to complete cleanout work in Jack's Defeat Creek ("Creek"). The Planning Director has received correspondence from the DNR regarding the application. The DNR has returned the application to the Town has being incomplete. It is the opinion of the DNR that the project, as proposed, may have unreasonably detrimental effects upon fish, wildlife and botanical resources. The Town had proposed in its application that it to excavate 350 tons of debris, sediment and silt along 600' of the Creek. The opinion of the DNR is of the opinion if this work is done it is not going to have any effect on stopping the flooding and will not address Mr. Stephens' concerns with the flooding. The DNR has suggested the Town remove brush along the creek using hand tools and Mr. Stephens install a berm inside the fence on his property which would require him to apply for a permit with the DNR. She is requesting instruction from the Town Council for the Planning Department from the Town Council for future direction for the Planning Department as to whether or not they proceed with removing the brush along the creek or do nothing from this point forward.

Kevin Mr. Farris clarified that the DNR said removal of the brush won't affect the flooding one way or the other. Ms. Brown replied that is correct.

Rick Coppock, Bynum Fanyo and Associates, advised the brush will impede the flow of the water and . Removing the debris from the Creek won't change it much as far as flooding is concerned. Mr. Farris asked his thoughts on removing the brush. Mr. Coppock replied if it will help move the water down street stream a little faster. Mr. Farris asked who would do the work. Ms. Brown answered the Street Department did the work last time. In its petition, the Town requested to remove sediment, debris and gravel along 600' of the Creek as well as the scrub and brush. Mr. Drake asked if the Town chooses to remove the brush do they have to apply for another permit. Ms. Brown replied the Planning Director would have to firm up the application if the Town intends to proceed. Mr. Coppock said this ties in with the DNR analysis as to what will improve the flooding. A DNR model shows that McNeely Street at Chad's seems to be a dam and is an issue. The bridge by Main Street and the old Town Hall has a very small

opening underneath it and one side doesn't have much of an opening at the piers. This may be because the sewer line runs on the downstream side and follows the same contour underneath the creek. When the DNR finishes their report on the Stewart property they're going to talk to them about lowering the sewer line to open up the other side which will pass through a lot more water. The original design passed the water around the end of the bridge by the old Town Hall. Mr. Oldham said everyone is wondering why the has the old Town Hall has not flooded between last winter now and now the winter. Mr. Coppock said there have been a lot of smaller events and not a concentrated lengthy period of rain where the peak comes all at once.

Kevin Farris asked if the report they're waiting to get from the DNR is the whole issue or is it just as it pertains to Chad's issue. Mr. Coppock replied the DNR report looks from Maple Grove Road through the Stewart property. The DNR will do a preliminary analysis and then run different scenarios on the flow of water. He did an analysis based on removing the Utilities building and lowering the ground so there could be water storage. They analysis took it all the way to Matthews, without the building, and the flood elevation at the old Town Hall was lowered by approximately three inches. Mr. Oldham commented if the Town was to remove the Utilities building and drop the flood elevation, they can't get it across the road. Mr. Coppock added there is some room in the channel that can be removed to improve the flow at Main Street, and by Chad's and McNeely Street. Mr. Oldham asked Ms. Brown what she thinks their chances are with for the DNR to reconsidering the permit. Ms. Brown replied she doesn't think there's a chance in getting the permit approved but the Town could try to do so.

Scott Thomas summarized the a concern was raised by Mr. Stephens that there was a misunderstanding in doing the permit. He thinks they're now on the same page. What is the communication level to prevent future misunderstanding?. Ms. Brown's understanding is Mr. Tolloty met with Mr. Stephens the week prior to discuss it. Ms. Brown asked Mr. Tolloty to pull the number of hours he, Denise Line and Connie Griffin spent on this project and it is 70 hours to date. When the permit to do clean-up work was applied for last year, it was granted by the DNR. Mr. Stephens did not object to it but he wanted more work done. At the Town Council's request, Mr. Tolloty filed an application for another permit and there have been two hearings before the Administrative Law Judge. The Town has spent the time and has attempted to work with Mr. Stephens. They did apply for a permit to do additional work and the DNR is not inclined to grant it.

Scott Oldham asked if the foliage is removed along the creek bank do they risk doing damage by increasing the flow rate and still having the small "dam" at McNeely. Mr. Farris asked what is to keep it from caving in if it is removed. Mr. Coppock answered that is why they ask for the brush to be removed with hand tools because . Basically, they're trimming the foliage rather than removing it. Mr. Oldham asked if it would risk damage to Chad's property or the underpinnings of the bridge if the brush is removed. Mr. Coppock

replied if it is cut back with the root system intact it should maintain the banks but there is always some erosion. Mr. Oldham asked if they gain much by cutting it back. Mr. Coppock answered a little bit.

Chad Stephens explained the area with the foliage is approximately 15' x 30' and is to the west of the McNeely bBridge. Cutting down the foliage will not do anything. Monroe County does trim it every once in awhile a while. They need to clean out the creek but . Hhee doesn't think the DNR will give the Town a permit to clean out the creek do so. If there is a 4" to 5" rain in an hour it is flooding. Mr. Farris asked if he was to build a berm how long would it be. Mr. Stephens replied his entire building goes under water. He's tried to slow the water down in the field with it draining to the front but when the water gets too high it can't drain and backs up. The berm will help and he will get with the DNR on this but at some time it will back up in the culvert and come

out the other side. The berm would have to be built all the way around his property. Mr. Oldham asked if it is his intent to build a berm. Mr. Stephens answered it would help and he could he could, in time, build one. If the creek is cleaned up south of him it is more water that isn't going to go under coming to the McNeely Bbridge that isn't going to go under. Mr. Oldham commented this is where they're at because the DNR will not let them clean it. Mr. Stephens said someone had mentioned about putting pipes on the west side of the bridge. There is a lot of water that comes off of the retirement center property the retirement center just property bought which needs to be piped over to the north side of McNeely Street and a culvert installed so it goes under Matthews Street. Mr. Farris asked how tall the berm will be. Mr. Stephens replied he raised the back end of the property by 4'. Everything drains well but it can't keep up with the 4" of rain in an hour. When Monroe County re-built the McNeely Bbridge they raised it 12". Now the water has to go down and around the bridge

but it can't go over it. He reiterated the sediment and the foliage need removed, he can build a berm and pipes need put in.

Scott Oldham asked Mr. Coppock if it is possible to install pipes. Mr. Coppock replied it is possible. It is Monroe County's road and the Town would have to get their permission. They would size the pipes for a particular flow and install them. There is a 30" sewer pipes that runs under the creek through that area. They could also look at directing the water so it gets out a little quicker at the Utilities building. Mr. Oldham asked if a permit from the DNR is required to do any of this work. Mr. Coppock said they wouldn't need permits to do the area across from the Utilities building or the pipe work. Mr. Stephens commented that area is an issue with every heavy rain. Mr. Oldham suggested Mr. Stephens, Rick Coppock and the Street Department discuss the feasibility of installing the pipe.

Rick Coppock suggested if they decided not to continue with the DNR permit, send them a notice that the Town is working with David Knipe, DNR Director of Engineering, and prefer to wait on the outcome of their findings before proceeding with anything else.

Chad Stephens stated if the creek is cleaned out, it needs to be cleaned out from the north side heading south. The pipe may help but they're going to have to work together to try and get it all the way down the creek to the new county bridge.

It was the consensus of the Town Council to ask Mr. Tolloty to send a letter to the DNR and tell them the Town is going to decline to do any further any work at this time until they receive the outcome of Mr. Knipe's report.

New Business

Fall Festival Request for Street Closings – Diana Choate

Diana Choate, President of the Monroe County Fall Festival, is requesting the closing of Park Street from Ritter Street to Temperance Street from Thursday, September 17, 2015, at noon until midnight 12:00 a.m. to Saturday, September 19, 2015, or such time the Town Marshal deems it necessary for public safety. They are also requesting the closure of Campbell's Park Drive from Hartstraight Road to Park Street which will be open only to

local traffic, accessible parking and vendors. Campbell's Park Drive will be closed during Education Day for the safety of the children. Turtleback Creek Drive will be closed at from Park Street. to Ritter Street and possibly Paul Street may be closed if deemed necessary for safety. They are also requesting they permit the Town Marshal and the Street Commissioner permission to close, at will, whatever street, alleys or other facilities for safety and security. Additional "No Parking" signs will be placed on Paul Street to prevent people from parking on private property. They're requesting a waiver of the Town's signage fee for banners to be placed on private property. If necessary, they will file for a Mass Gathering Permit. Thank you for the help from the Utilities Department, Street Department and other Town employees provide for the festival and for the use of the Town meeting room.

Scott Oldham entertained a motion to approve the request for the Monroe County Fall Festival as provided and as deemed necessary by the Police Department and Fire Chief. David Drake made a motion to approve the request for the Monroe County Fall Festival as provided and as deemed necessary by the Police Department and Fire Chief. Scott Thomas seconded. Roll call vote: Scott Oldham – yes; Scott Thomas – yes; Dianna Bastin – yes; David Drake - yes and Kevin Farris – yes. Motion carried 5-0.

Monroe County Election Board Request Use of the Conference and Training Room for the 2015 Municipal Election on November 3, 2015

Fire Chief Mike Cornman explained the Election Board is requesting the use of the Conference/Training Room. The Town Code states they have to get permission from the Town Council to do so.

Scott Oldham entertained a motion to allow the Monroe County Election Board to use the Training Room for the 2015 municipal election on November 3, 2015. Dianna Bastin made a motion to allow the Monroe County Election Board to use the Training Room for the 2015 municipal election on November 3, 2015. Scott Thomas seconded. Roll call vote: Scott Oldham – yes; Scott Thomas – yes; Dianna Bastin – yes; David Drake - yes and Kevin Farris – yes. Motion carried 5-0.

Consulting Agreement Between the Town and Fields Environmental for Phase I Environmental Site Assessment for Maple Grove Road Site of the Proposed Town Hall

Jim Davis, Town Manager, was informed by Rick Coppock the Town needed to have this environmental study completed which is a requirement before construction can start. This is a local company recommended by Rick Coppock. They'll be looking for contaminants in the soil that would hinder the building of Town Hall. The cost is \$2,350. Mr. Oldham asked how long it will take to complete the study. Mr. Coppock answered it will take three to six weeks.

Rick Coppock explained Phase I is normally done with when funds are borrowed for the property but is also needed for the bond. It includes two site visits. They walk the property, and looks at the old aerial photos and researches the former property owners. If after conducting their research they find a potential contamination, then they do Phase 2 with more borings and exploration.

Scott Oldham entertained a motion to do the Consulting Agreement between the Town and Fields Environmental for Phase 1 Environmental Site Assessment. Scott Thomas made a motion to do the Consulting Agreement between the Town and Fields Environmental for Phase 1 Environmental Site Assessment. Kevin Farris seconded. Roll call vote: Scott Oldham – yes; Scott Thomas – yes; Dianna Bastin – yes; David Drake - yes and Kevin Farris – yes. Motion carried 5-0.

Agreement Between the Town and Alt & Witzig Engineering, Inc. for Subsurface Investigation & Geotechnical Recommendation at the Proposed Town Hall Site

Rick Coppock, Bynum Fanyo and Associates, Town Engineer, explained this is a study required before moving forward with the Town Hall site. These are geotechnical engineers who do soil borings. They look at classifying the soil and giving the bearing capacity of the soil for the foundation design and they will also do a laboratory analysis. From that, they will make recommendations on the type of footer and foundation that can be used. It is information the designer will need to do the building. They will do 10' to 20' borings and check for water and come up with a recommendation on how to do remediate it during construction.

Scott Oldham entertained a motion to accept the agreement between the Town and Alt and Witzig Engineering for subsurface investigation and geotechnical surveys. Dianna Bastin made a motion to accept the agreement between the Town and Alt and Witzig Engineering for subsurface investigation and geotechnical surveys. David Drake seconded. Roll call vote: Scott Oldham – yes; Scott Thomas – yes; Dianna Bastin – yes; David Drake - yes and Kevin Farris – yes. Motion carried 5-0.

Town Hall Financing

Darla Brown, Town Attorney, is seeking Town Council authority to approach Umbaugh and Associates (“Umbaugh”) about providing the Town with a contract for their services to bond for the Town Hall project. When the Town built the Police Department, Umbaugh entered into a contract with the Town to provide financial services and prepare a timeline with regard to the bond and construction. In 2003, the cost for these services was approximately \$23,000. Ms. Hash has inquired about a bond anticipation note to help with upfront expenses. The last time the Town built the Police and/or Fire Departments the Town had money from the Build Indiana Fund to help with some of those expenses. She talked

with Doug BaldisseriBaldessari about a bond anticipation note and he said that would be fine if the Town believes it is not going to start building for about six months. If the Town intends to start on the project in a couple of months, it would not be worth it because the issuance costs would be done twice.

Scott Oldham thinks their intent is to move forward fairly rapidly so he doesn't know if they're six months out. Mr. Davis hopes they're not six months out from the beginning of the construction. Who is going to design the building? He recommended to Town Council they hire Bynum Fanyo to design the building. They've talked to other people about the cost and Bynum Fanyo is close to the other estimates. He can advise them of the amounts later but there has not been anything formal. According to the Town's current purchasing policy it is the Town Council's decision to hire for services and quotes are not necessary. Ms. Brown noted for the actual construction of the building they will have to get bids. Services are different and do not require bids. Mr. Davis noted the key to this is the field report, soil test report and the timing required for the blueprints and bonds to be initiated and completed about the same time. Mr. Oldham asked if the earliest they can start construction would be

October. Mr. Davis answered it would be September or October. Mr. Oldham asked if this is what they can expect before the bond is approved. Ms. Hash answered they can get started on the bond if they're directed to do so. Mr. Drake thinks they need to start on the blueprints.

Scott Oldham entertained a motion to move forward with the bond process with Umbaugh and BaldisseriBaldessari. Kevin Farris made a motion to move forward with the bond process with Umbaugh and BaldisseriBaldessari. David Drake seconded. Roll call vote: Scott Oldham – yes; Scott Thomas – yes; Dianna Bastin – yes; David Drake - yes and Kevin Farris – yes. Motion carried 5-0.

Scott Oldham entertained a motion to move forward with the bond process. Dianna Bastin made a motion to move forward with the bond process. Kevin Farris seconded. Roll call vote: Scott Oldham – yes; Scott Thomas – yes; Dianna Bastin – yes; David Drake - yes and Kevin Farris – yes. Motion carried 5-0.

Scott Oldham entertained a motion to hire Bynum Fanyo to design the Town Hall. Dianna Bastin made a motion to hire Bynum Fanyo to design the Town Hall. Scott Thomas seconded. Roll call vote: Scott Oldham – yes; Scott Thomas – yes; Dianna Bastin – yes; David Drake - yes and Kevin Farris – yes. Motion carried 5-0.

Council Comments

Scott Thomas announced he will not be at the next Town Council meeting because of a family vacation. He is available via email and Sandra Hash, Clerk-Treasurer, has his telephone number.

Supervisors Comments

Denise Line, Planning Assistant, explained the Planning Department received a request from Darlene Robinson to release a bond in the amount of \$15,337.50 for sidewalks in Deer Run, Section 7, which consists of five lots. Their insurance company also called because they will have to renew the bond on July 19, 2015. The Planning Department inspected the sidewalks and they have been properly installed and meet all specifications. They are requesting the bond be released to Kenton and Darlene Robinson. Mr. Oldham asked if they have been inspected and are up to code. Ms. Line answered yes.

Scott Oldham entertained a motion to release the bond for the section of Deer Run as requested. David Drake made a motion to release the bond for the section of Deer Run as requested. Scott Thomas seconded. Roll call vote: Scott Oldham – yes; Scott Thomas – yes; Dianna Bastin – yes; David Drake - yes and Kevin Farris – yes. Motion carried 5-0.

Jim Davis, Town Manager, advised there will be a new drawing of Town Hall with a different layout including the appropriate codes. Mr. Oldham asked when he anticipates making this public for comment. Mr. Coppock replied it will be two to three weeks. Mr. Oldham asked it can be put on the website. Mr. Davis has a preliminary plan in his office for viewing.

Adjournment

Scott Oldham entertained a motion to adjourn. Dianna Bastin made a motion to adjourn. Scott ThomasKevin Farris seconded. Scott Oldham adjourned the meeting at 67:484 p.m.

Scott Oldham, President

Scott Thomas, Vice-President

Dianna S. Bastin

David Drake

Kevin Farris

Sandra Hash, Clerk Treasurer