

**July 13, 1998**

The Ellettsville, Indiana, Town Council met in regular session at 7:30 p.m., Monday, July 13, 1998. Members present were Michael Cornman, President, Geraldine McIntyre, Vice President, Donald Ashley, and Patrick Stoffers. Gina Hawkins attended part of the meeting. Mr. Cornman called the meeting to order. Donald Ashley gave the prayer.

POSSIBLY AWARD BID FOR POLICE DEPARTMENT:

Steve Bartlett informed the Council that there was a tie bid on the truck and he has since given the truck to the Street Department. He talked to the man that put in the bid and told him he thought the truck was worth more than that.

Mike Cornman said so it is now the Street Departments vehicle? Steve said yes.

COMMENTS:

GARAGE SALES-GERALDINE MCINTYRE:

Geraldine McIntyre said about 4 or 4 ½ years ago we made an Ordinance on yard sales. There are several yard sales in town every week. The agreement was they would have one-yard sale every 3 months, they have to come by Diana's office and get a permit. The permit cost a \$1.00 for 3-day yard sale. She knows our Police Department has been covered up because they have got people in school and things like that. She would appreciate it if they would stop by some of these yard sales and see when they are driving through if they do have a permit. This would stop a lot of these every weekend yard sale. That is what the Ordinance was put in place for and she would like to see it taken care of. The dollar goes into the Clerk-Treasurers General Fund.

MINUTES AND CLAIMS:

Mike Cornman said is there a motion to approve the minutes and claims. Geraldine McIntyre so moved. Donald Ashley seconded. Motion passed 4-0.

OLD BUSINESS:

WEB SITE FOR THE TOWN OF ELLETTSVILLE:

Patrick Stoffers said the Council has the one proposal from Virtual Design for about a week or so. He and Diana have worked up what we think are the numbers and what the cost would be through the end of December this year. It breaks down to the Police Department \$340.76, Fire Department \$3440.76, Street Department \$85.19, Utilities \$766.71 and Clerk-Treasurer \$766.71. This would take care of site development, and maintenance fee through the end of December. That is the Town's portion and assuming the Chamber is still good for their \$1,500 they pledged for this. He left 4 or 5 different price schedules from some different web sites all in Indiana. He doesn't know if you have had time to go through them but looking at it himself his thought is they would all be more money than the proposal they currently have in front of them. On the other hand it is still the pleasure of the Council to seek other quotes.

Mike Cornman said the quotes would be for as we understand it the quotes would be for the design of web page, not necessarily the server, correct? Pat said that is correct.

Mike Cornman said this cost is to develop it? Patrick said that would pay all the cost associated with that through December, there would still be a \$75.00 month maintenance fee. Pat said that is after the site is up and running. Pat said those numbers include those monthly fees through the end of December.

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Mike Cornman said the thought from the Chamber of Commerce was for the page design was to make it fair, for having a bid process for the design of the web page. They want to make sure nobody is slighted by the Chamber of Commerce because they will be a large participant in this program. Is the question now if we want to bid it out or not bid it out or take Virtual Designs?

Patrick Stoffers said if you are asking for his opinion, he is satisfied with Virtual Designs, however it is still the pleasure of the Council whether they want to seek other quotes.

Donald Ashley asked what did we originally figure on the amount of money on approving this?

Mike Cornman said that we never had, because we also didn't decide who was going to pay for that. Is it something the town is going to pay for or should the Department Heads budget something like this for the year. May be for the first year or two maybe the town should foot the bill, the general fund or the Clerk's Fund, fund it and then next year judge it based upon what the Police Department is using we can break it down that way. The thought was who is using and how much. Some departments can put more on their if they can afford it and they may want to down grand and not put so much on their.

The Clerk said they based it on page.

Rick Coppock wanted to know who is Virtual Design and whose company is that?

Patrick Stoffers said it is a local company here in Ellettsville and the only Design Company that he is aware of that is registered with one of the search------. Business address is a P.O. Box at the Post Office. Her name is Julie Ann Miranda. She couldn't be here tonight, she is in Iowa.

Geraldine wanted to know how many web pages she has designed? Pat said 5 that she lists on her home page.

Mike Cornman said he wants to suggest to the Council is that we bid the web page design out and draw up a set of specifications advertised for the design of the web page. He is suggesting to the Council to see if there are any bites here on a motion for at least bidding out developing a set of specifications and bidding out the web page design.

Donald Ashley said there are 2 things number 1 he thinks we should bid it out and 2 he thinks since you are breaking the cost down to the supervisors, he doesn't know what their feelings are at this point. He thinks we need to talk to them. He thinks at this point and time they are at a stand still until they can find out what they think and we get some bids in here and find out what we are talking about from a financial stand point.

Geraldine said she likes the designs this lady has on several of the web pages. If they want to bid it out that is fine with her.

Mike Cornman said is there a motion to that effect from somebody to bid out?

Don said he doesn't know that they have to bid it out, they could keep it local all the way around, which Smithville Phone Company and this lady.

Mike Cornman said is Smithville Telephone interested in the web page design?

Patsy Earls said no; they would have to contract it because there are several in Monroe County that do that.

Mike Cornman said is there a motion to bid out the web site design.  
Gina Hawkins arrived at the meeting.

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Mike Cornman said Gina the question is should be bid out the web page design. Mike said his suggestion is to bid it out.

Geraldine said the web page design person that he has been talking to is local, but there are several in Monroe County.

There was more discussion on this matter.

Donald Ashley made the motion that we let it out for bids on the web page. Mike Cornman seconded. Roll call vote was

Patrick Stoffers	No
Geraldine McIntyre	No
Mike Cornman	Yes
Gina Hawkins	No
Donald Ashley	Yes

Motion did not pass 3-2.

Mike Cornman said the vote does not pass so is there a motion for the request that we have before us for Virtual Design services. Patrick Stoffers made a motion that we contract with Virtual Design for development of Town of Ellettsville web site. Geraldine McIntyre seconded.

Mike Farmer wants to know how much that is going to cost. Patrick Stoffers said \$2,300, that includes the fee though the end of December. Diana said the \$1,500 has already been taken off the top, that is what is left for us to split. Mike Farmer said about \$2,000 of this is for design? Patrick Stoffers said yes about \$2075. There was more discussion on this.

Darlene Sowders said they (Chamber of Commerce) weren't paying the \$1,500, they were advancing it, and she though 80-20, that the town would actually pay 80%.

Mike Cornman said I think you are right, thanks for reminding me. There was more discussion on this.

Donald Ashley moved to table web site Town of Ellettsville at this time. Gina Hawkins seconded. Motion passed 5-0.

Mike Cornman said he wants to make it clear and if they need to vote on this it is fine with him. He wants to make a suggestion for a motion that we do select, and regardless of this select Smithville Telephone as our sever for the web page when we get it. There was more discussion on this. That will be part of the package that has been tabled.

DISCUSS WELL HOUSE ON BANK ROAD:

Rick Coppock said Mike (Spencer) has sent him some sections out of Indiana Code and he has reviewed them. He faxed a letter to Diana and he wanted to know if they got it in their packet? The reply was yes. What he came up with after reviewing those sections of the Indiana Code was that the Town Council as the disposing agent. What we need to vote on is that you would determine the highest and best uses to sell to abutting property owner. The next step after that if the town determines that is what it wants to do is to sell to abutting property owner. Then within 10 days the disposing agent or the town would publish notice in accordance with the Indiana Code as the town normally does for legal notices, identifying what is for sale and there are some different items in the code which he has included with the packet Mike had so Diana will know what to put in there. The offering price includes any appraisal fees, title insurance,----- advertising cost any other miscellaneous cost initiated with the sell of the property. He doesn't know if there really have been any to this point. After that once the Town has received the offers they determine the highest and best offer. It also has statements in there as to what has to be -- ----- an offer, 2 people give the same offer. This is just the method to dispose of the

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property. In the first part of the letter states why we can use this method because the property has a value less than \$2,000. That was based off when Gil Mordough and Associates looked at the town's 20 acre piece and it was appraised at about \$500.00 an acre and this is less than an acre and is out in the middle of no where.

Mike Spencer asked if this is a separately described piece of property? Rick said yes. Mike Spencer asked do you know what it is assessed for tax purposes? Rick said there is no tax, the town owns it. Rick said it is just a one-acre piece, point --- acre piece.

Geraldine wanted to know how many property owners adjoin this property? Rick said there are 3 that have interest in the property. Rick showed them a piece of property on the map that was similar, used by the town and it was deeded over to the property owner some time back and there still remains one piece of property (an old well site). There was more discussion.

Rick said Mr. Ponton just stated the other well property which you see on here were it says to Mundy from the Town, that was done some years ago. He doesn't have much knowledge of that. His statement was the Town should dispose of this piece of property in the same manner.

Mike Cornman said what manner was that? Geraldine said she thinks it should be out for bids since there is 3 adjoining property owners. There was more discussion on this.

Mike Cornman asked Mike Spencer if he had anything to add. Mike Spencer said no, this is the process. There was more discussion over the map.

Mr. Ponton said he has a map that shows 3 well sites. This well site is not on Barr Road, the property that he purchased, has nothing to do with Barr Road. Barr Road is the easement in which you use to get to the well site. The actual property, which he has the deed in his position here from the Webb family came from the corner of the property that he purchased. 2 sides of that well house are on his corner. The property originally came from the property that he purchased and the reason he brought it up is when we came to get the crops off the property this year, there were 3 children playing in your well house. He didn't know if our insurance people know that or not but it is a liability to you. He thought he would clean the well house up and take it out of there once it is in his name. 2 sides of it definitely belonged to Linda and Fred Webb and the easement granted to you well house is not even in the right place that was closed off this year. To farm the ground he has to use another correct easement which goes though another piece of farm ground so you really basically don't even have an easement for that thing -----, Leroy Barker drew it up, it was not located where it was originally drawn up for an easement.

Mr. Ponton said his question is suddenly he doesn't know anything about the Lunbarger's, he doesn't know why they would even be interested in it, and there is a fencerow in between them and us. He is asking what is going to happen with the other 3 sites? Has one of these sites already been given away, and he thinks that is what we are saying right here and if so did you sell it or what did you do at that time.

Mike Cornman said he wasn't on the Council at that time and other than what we have from the minutes that shows that we sold it to Bob Mundy for \$1.00, December of 85.

Mr. Ponton doesn't know why anything should change any different at this point and time, the Town Council did it at that time and he is offering basically the same thing. He would like to have it back and he will tear the well house out and clean it up and farm it and it is contiguous with his property and it originally came from this property.

Mike Cornman said you can't say what took place and what was done and according to this it was done December 16, 1985. He can't take credit or blame either one for how things were done then. It has been advised by our attorney and our engineering firm that it is disposed of in accordance to the law. That is probably what we should do if we

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select to determine the highest and best use of this property for the town. That is what they recommended to us.

Mr. Ponton said I guess the rules have changed then. Mike Cornman said I don't know if they have or not.

Mike Spencer said the rules have not changed, the rules are the same. What we are quoting you is in fact the statute and he has it right here and that is the process. He can't tell you what occurred back in 1985, he doesn't remember that. The only other possibilities is there is another section of the statute that says if the tract is originally, he will have check this may not be the current statute, he has know reason to believe that it has changed. If the tract was originally transferred to a political subdivision as a gift and public funds have now been expended to improve the property since the original transfer disposing agent made the ----- back to the original grantor or their successors with their concept of that consideration upon determination of disposing agent. The property is surplus, the original grantor and successors are eligible to receive the track under this section. If that in fact was originally transferred as a gift that is a possibility. If it wasn't transferred to the town as a gift, ----- that is not a possibility.

Mr. Ponton said the town paid \$1.00 and other valuable consideration. He doesn't know what that is.

Mike Spencer said that is a standard language ---- of ---- contracts. We would have to locate the minutes of the original Board meeting. It says a dollar and other valuable consideration, so that is not a gift. As an attorney it would say that is not a gifting language. If he was going to gift it, he would have said I am gifting it in the -----.

There was a long discussion on this matter.

Mike Cornman said the first thing we need to do is determine if we want to sell it or not. Rick said yes. There was more discussion on this.

Mike Cornman said the question is do we want to sell it.

Geraldine said yes.

Donald Ashley said he doesn't see that it is a whole lot of value to them.

Mike Cornman asked the Utilities if there is any reason to keep the land?

Mike Farmer said absolutely not, he would say we get rid of it ASAP, sell it for a dollar, lose our liability and get on with it. If it is on this guy's property and -----it was originally part of that property, he doesn't see any reason to hold on to it. Common since dictates we give it back to him. We don't need the liability. There was more discussion on this.

Donald Ashley said what you are saying Rick is that this is the way we have to sell it, is that correct?

Geraldine said no, we can take it out for bid, can't we?

Mike Spencer said he thinks that is what he is referring to, oh he sees what you are saying. You have a choice, under the statute you can sell it that way, you have the option to sell it that way.

Mike Cornman said so if there was a motion we want to make sure it says in accordance with Indiana statute? Mike Spencer said right so you potentially have 2 options, he didn't send the second option to Rick because he wasn't aware that was a possibility that this would be a potential gift to the town. If the town bought it then that option is out. The way the language reads in the deed that's a sell and that would prevail unless somebody

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could ----- that that language was in fact a dollar and other valuable considerations ----  
----- that appears in the deed of sale

Mike Cornman said is there a motion one way or the other for this piece of property?

Donald Ashley made the motion we sell the property pertaining to what ever the proper sale would be as far as codes go.

Mike Spencer said let's redefine that. Lets say someone could come back and convince you it was a gift to the Town of Ellettsville, then you would have a choice. If they can't convince you then you have to sell it pursuant to statute that he referred you to. It sounds to him like Diana has spent a lot of time trying to find out if there was any additional information out there and apparently it is not going to be. So as it currently stands you have got a sell. Your options tonight is to, he supposes you could table this to see if someone could give additional information to convince you otherwise. Or you can just proceed and if you proceed tonight he thinks you proceed under the statue, pursuant to the procedures.

Mr. Ponton asked is there nothing recorded in the Records office? He has the documents here that is in the Records Office.

Mike Spencer said the documents that you have will be recorded in the Records Office, the deed, and that is going to say a dollar and other valuable consideration.

Mr. Ponton asked what the Town Council recorders show back in 1955? He called Leroy Baker, called his attorney Barnhart, Sturgeon. and find out what was going on, if you can't find it come back and we will get it for you.

Mike Spencer said that is my office. Frank was in the firm then and maybe they can find out. There was more discussion.

Gina Hawkins made a motion we table this issue then. Geraldine McIntyre seconded.

Bill Earls asked are you down to just one well site now or are you talking about, we started out with 2 well sites, correct? Mike Cornman said yes. Bill said now you are only concerned with one of them? Mike Cornman said we never got to the motion. Bill asked if the price was for both of them, you have lost him somewhere. Bill said his other question is it legal to give away Government owned property? Mike Cornman said he doesn't know if it is or not. Bill Earls asked can you actually give that away or does it have to go to bid? Mike Cornman said real estate he doesn't know about, the other things we can do is declare it surplus property, we can sell it, bid that way. There was more talk.

Mike Spencer said the statute says that he just read that if in fact it was gifted to the town we can gift it back, essentially, providing we didn't put any additional money on it so that is the rule. There are some other rules about personal property; we are dealing with real estate.

There was more discussion.

Mike Cornman said we have a motion and second to table the issue. Motion passed 4-1, Donald Ashley voted no.

#### NEW BUSINESS:

#### ORDINANCE 98-18 AN ORDINANCE TO THE ELLETTSVILLE TOWN CODE CONCERNING THE ISSUANCE AND USE OF CREDIT CARDS:

Diana informed Mike that Mike Spencer had gave that to them to review and get back with him and they have had it for a month or two and they want to use the credit cards.

Mike Cornman read Ordinance 98-18.

Mike Cornman asked is there a motion for submission of first reading of Ordinance 98-18. Patrick Stoffers so moved. Geraldine McIntyre seconded. Roll call was called.

Patrick Stoffers	aye
Geraldine McIntyre	nay
Mike Cornman	aye
Gina Hawkins	aye
Donald Ashley	no

Motion passed 3-2

ORDINANCE 98-19 AN ORDINANCE TO AMEND SECTION 255-25 (d) OF THE  
ELLETTSVILLE TOWN CODE CONCERNING  
COMPENSATORY TIME:

Mike Cornman read Ordinance 98-19. Mike Cornman said is there a motion for submission for first reading Ordinance 98-19. Patrick Stoffers so moved. Gina Hawkins seconded.

Mike Farmer explained this to the Council and there was a long discussion.

Gina had to leave the meeting and go back to work.

The vote was 1-3; Patrick Stoffers, Geraldine McIntyre and Donald Ashley voted no. This Ordinance did not pass first reading.

ORDINANCE 98-20 AN ORDINANCE TO AMEND SECTION 255-10 (d) OF THE  
ELLETTSVILLE TOWN CODE CONCERNING  
DEFINITIONS:

Mike Cornman read Ordinance 98-20. Mike Farmer explained the Ordinance to the Council. There was a long discussion on this Ordinance.

Mike Cornman asked is there a motion for submission of Ordinance 98-20 for first reading? Patrick Stoffers so moved. Mike Cornman seconded. Motion passed 3-1, Donald Ashley voted nay.

REEVES ROAD EASEMENTS:

Mike Farmer said we need to accept these easements. Everything has been given to us and signed and notarized. You just need to accept them so we can record them.

Mike Farmer will get the easement for the Council. This will be continued later in the meeting..

RESOLUTION 4-98 TRANSFER OF FUNDS:

Mike Cornman read Resolution 4-98. Mike Cornman asked is there a motion to approve Resolution 4-98?

Patrick Stoffers so moved. Geraldine McIntyre seconded. Motion passed 4-0.

KOMPUTROL LICENSE AGREEMENT:

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Rick said this is the budget, accounting and billing software that we talked about previously. Their agreement with the Town is the same price they quoted originally. Mike Cornman asked \$14,500? Rick said yes.

Mike Cornman said is there a motion to approve the Komputrol system \$14,500 for the utility, payroll processing is for everybody right, and utility billing used for utility billing. Geraldine McIntyre so moved. Donald Ashley seconded.

Geraldine wanted to know who pays for all of that does some of it come out of the Clerks budget and some of it comes out of Utility budget? Diana said we have it split, we sat down and worked it out.

Motion passed 3-1, Patrick Stoffers voted nay.

### REEVES ROAD EASEMENT CONTINUED:

Mike Farmer stated that is standard language for excepting an easement so we can put a water line in. We will purchase them for a dollar.

Mike Cornman read the following names:

Glen Teague

Donald Frye

Lois Ridge

Charlene Roberts

Leslie Young

Anthony Heiner

Mike Farmer said he wanted to thank everybody that gave them the easements so they could get the water line in. They worked real well with him.

Mike Cornman asked is there a motion to accept these water line easements. Donald Ashley so moved. Patrick Stoffers seconded. Motion passed 4-0.

### SUPERVISORS:

#### POLICE DEPARTMENT-STEVE BARTLETT:

#### SKATE BOARDERS:

Steve said he is going to contact Kathy to schedule another meeting with the kids. They are still trying to get plans together. They are trying to decide which ramps to go with. They are still waiting for word on the last grant they applied for.

Mike Cornman said there is a situation else where in the County with our early warning notification of severe weather. It was brought to their attention about 5 years ago that our siren was not working in Ellettsville. Emergency Management Office was notified then, siren not working.

He sits on the Emergency Management Advisor Council and they are so fortunate to have Jim Davis sitting to the committee also representing the County Fire Chiefs. They have formed a sub committee called EMAC, saying we are trying to get something together though a sub committee to determine the different avenues of early notification of severe weather, whether it be telephone, siren, everybody running next door, or what ever they want to do. They will look at all options and try to come to some type of recommendation to Emergency Preparedness Director and the County Commissioners. The question is in the exception of 2 people who complained to him about the siren not working, he has not heard anything else. He guesses for the press the Ellettsville people need to speak up, do they like the sirens, do they want the sirens, what would you like to have, give him or Jim Davis a call and let use know how you feel.

Mike talked more on this.

### COMMENTS ON COMPENSATORY TIME-BRIAN MILLER:

Brian Miller said going back to the issue of comp time. We have part time guy and lets go after this for the part time man. We just sit here tonight and agreed to go from 6 month to a 9-month workload and give them nothing. If for no more reason then comp



time, because they don't have anything. If there is nothing there that says we have to give them benefits then they are going to continue to work for nothing basically, other than a pay check and no free time. For nothing else maybe we should look at this for those guys we have so they can have something. That is all he has to say.

Dennis Fisher said he has something to add to that. He works at IU. He thinks if you work over 1,000 hours IU gives them a weeks vacation on the part time people. They also found out any break in time, if a holiday comes up, that breaks that 9 months up so he starts over again, (he may be wrong on that).

Don said the 1,000 hours, he was figuring you are talking about more than a 1,000 hours in a 9-month period of time. He doesn't know what the limitation is on that he just remembers there is a limitation on that. Don said the other thing he doesn't like about the comp time is as it stands now we are doing it with the Utilities only and he really doesn't like that.

Steve Bartlett said in Mike's behalf he already came and talked to me and comp time for the Police Department, total employees is just not feasible. If he has got a good employee and a little comp time will keep that employee as a temporary. He doesn't see a problem with it. The only problem he does see with it is breaking it down in 15 minute increments, because it would be a nightmare for book keeping, he doesn't know how Diana would do it. If you did allow the comp time it should be taken in minimal ½ day increments that would be easier for book keeping.

Don thought the Street Department should be included. Mike Farmer said they didn't want to be included. Diana said the Street Department did not want to be included, that is why it ended up being utilities.

There was more discussion on this.

Mike Farmer said the supervisors can get it but the rank and file people can't is that correct?

Mike Cornman said that is correct, plus police and fire have to follow the Fair Labor Standards Act and it is provided in there as well. The only people who don't get it our Utility and Street.

Mike Farmer said he was just following the lead that was already there.

Donald Ashley said he wishes they would have told him that before they voted.

Geraldine said she wouldn't have voted for it anyway because these people choose to come to work for the City of Ellettsville knowing that they were leaving a job where they had established vacation time and everything. She would like to go out and get new job and start in and have comp time, but you don't do that most of the time you wait and have your vacation when your vacation comes do.

There was more discussion on this matter.

#### HIGHWAY 46-DENNIS FISHER:

Dennis said the had a board meeting up at Senior Housing Saturday and one of the residents in Ellettsville came to their meeting to speak up and they found out some things that they didn't know about and whether it is true or not. Do you have any idea what is going on Main Street back here? They are under the understanding instead of 2 houses now the state is tearing down 8 houses and we just bought property up there and the lady ----- told here they are going to take 10 feet of her property and they are going to take the whole house that they just bought. He didn't know if they were informing you, they weren't telling us nothing.

Mike Cornman said they had not been informed of that, last we heard it was just the one house.

There was more discussion on this. Mike Cornman said we would find out.

WEB SITE-CULLAN MCCARTY:

Cullan apologized for being tardy and he doesn't know what was discussed as far as the web site but he has written out some thoughts because there some confusion on how his web site is going to be built. He wanted to leave off a few things here for the Council and they can read through it. Briefly it is a 2-stage process that is involved here. There is some confusion here as to our role, our role is the access provider the site will be stored on our server. Another company, who ever that company may be would be the web site creator and that is the position. It is his understanding from Kenny Williams that that web site development would be one that is bid, not necessarily the access provider. They are the only access provider in the town and to go with anybody else to advertise Ellettsville Business. He supports Kenny's letter to the editor last week and he will submit this to the paper as well because he doesn't want any toes step on at all so he just wanted to clarify where they stand. They are the access provider and we are glad to work with company to help build that site. He discussed this more with the Council

ADJOURNMENT:

Patrick Stoffers made the motion to adjourn. Geraldine McIntyre seconded. Motion passed 4-0.

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Michael D. Cornman  
President

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D. Geraldine McIntyre  
Vice President

\_\_\_\_\_  
Donald Ashley

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Patrick Stoffers

\_\_\_\_\_  
Gina M. Hawkins

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Diana K. Evans  
Clerk-Treasurer