

July 14, 1997

The Ellettsville, Indiana, Town Council met in regular session at 7:00 p.m., Monday, July 14 1997. Members present were Geraldine McIntyre, Vice President, Donald Ashley, Patrick Stoffers, and Gina Hawkins. Geraldine McIntyre called the meeting to order. Donald Ashley gave the prayer and Gina Hawkins led the Pledge Allegiance to the Flag.

SUPERVISORS:

COMMENTS:

None

MINUTES AND CLAIMS:

Gina Hawkins made the motion we approve the minutes and claims. Donald Ashley seconded. Motion passed 4-0.

SRF CLAIM:

Geraldine said we have request 40, 41 and 42. 40 is to Reynolds Inc., 41 is R. W. Armstrong and 42 Bynum Fanyo Associates. The amount is \$246,023. Gina Hawkins made the motion that we approve the SRF claim. Patrick Stoffers seconded. Motion passed 4-0.

OLD BUSINESS:

ORDINANCE 97-9 ORDINANCE TO TRANSFER MONIES FROM CASH
RESERVE FUND TO GENERAL FUND ON THE RECORDS
OF THE ELLETTSVILLE WATER AND SEWER
UTILITIES OF THE ELLETTSVILLE TOWN CODE:

Gina Hawkins read Ordinance 97-9. This is a second reading. Gina Hawkins made the motion that we approve Ordinance 97-9. Patrick Stoffers seconded. Motion passed 4-0.

CHRISTMAS LIGHT CONTRACT-RANEE MOUNCE:

The Commander of the Ellettsville VFW Post pledged their support to the community of Ellettsville. He said please feel free to call upon them for community activity, they will attempt to help. What they propose is that you have obtained 10 red, white and blue banners to decorate 10 light poles in town. They would like to purchase 10 U.S. flags that would decorate the poles in between the banners. These flags will be given to the town for the purpose of flying Memorial Day, 4th of July, Labor Day, Veterans Day, and any other time this Council may direct. The money for these flags has been allocated.

Geraldine asked if that would interfere with them putting the banners in for the 4th of July?

Ranee said it really doesn't interfere. Ranee said at the request of Diana and Council members they have 2 different proposals from 2 different companies. One company has a proposal with 10 banners and one without the 10 banners in case the flags were to go up.

Ranee gave the Council proposals from the same company, one with the 10 banners and one without, and the difference is almost \$800. This is a 3 years lease that they talked over with the gentleman. Ranee said the flags really don't interfere. Her question is whether they are going to be up on the off season. They were going to get the patriotic banners to cover the first of February through August. The festival banners would go up towards the end of August.

Phil Usrey, past Post Commander said they didn't want to give the flags to replace the banners. Their objective was to fly the flags with the banners or without the banners. July 14, 1997 Ellettsville Town Council minutes continued

Whatever is decided to do. They were wondering if it's the Cites prerogative, if they could, he knows Mr. Ragle is in charge of the Street Department, and they would probably be the one that had to do it, put the flags up and down since you have a contract with another company to put the banners up. What they wanted to see with the banners is the American Flag, not just to replace the banners. They were going to give the flags to the town, and maybe pull a few strings if you want the hardware to put them up with, maybe they could come up with that to. That would be up to Mr. Ragle and the Council. They are just in the donating mode right now. They have the American flags right now to give to the City and they would like to see them flying, especially during the parade, it would be nice to show our patriotism, and also Memorial Day seems lacking in this town, they would like to see the flags flown then to and 4th of July also. They didn't want to replace the banners, they just want to help decorate the town is all they were looking for. They would like to see one outside the building here also. There was more discussion.

Geraldine asked Jim how he feels about this? Jim Ragle said we'll take care of it.

Don Ashley said his first thought is we ought to accept the flags. Don Ashley made a motion we do accept the flags. Patrick Stoffers seconded. Motion passed 4-0.

Geraldine asked the girls what they think, which company have you dealt with before or have you? Ranee said I haven't dealt with either one but they would like to go with Christmas Visions, the ones with the Santa on the top. Ranee said for one it is less expensive, and two they will put everything up and everything down and have insurance on everything, if anything is damaged they will replace it. She showed them copies of what they have picked out for the first year. The lease would be for 3 years, every year they can change the decorations. They picked the ones that say peace and they are blue and white. They picked out white snow flakes for every other pole and they light up. They are going to get Fall Festival banners. They have the patriotic banners as well. They have a copy of the lease and another one without the 10 banners, if we are not going to be replacing them they can go with the original one (lease). Ranee said the total in our fund is \$4,196, obviously that would get us through the first year and half of the next. Jim said something about trying to budget this into the budget.

Geraldine said you will still have more donations coming in from people who have given this year, correct? Ranee said correct, we are going continue to do it and keep the donations going.

Patrick Stoffers asked Jim Ragle what amount did you thing you were going to work into your budget, the full amount? Jim Ragle said we would write that in there and back it up but he already has commitments from the Festival,-----like \$1,000. Geraldine is going to be working on one. He doesn't think we will have any problem, he has had quite a few commitments already.

Gina said for donations for the next couple of years? Jim Ragle said he probably has a couple thousand already. Jim said when we sign the contract we have something to back it with, he can write it out on miscellaneous supplies in his budget. Jim said when we get it signed he can go around to the Chamber of Commerce and a few people. We have enough for the first year and some for second year.

Ranee said we are also going to do like a canopy of lights out here. The first year this company is going to let us have free of charge a 12 foot Santa that will be displayed on the stage.

Geraldine asked how the Board felt about this. Gina said she thinks it is a great idea. Pat asked Mike Spencer if this is okay (meaning the contract)?

Mike Spencer informed the Council of two changes, one deleting section 2 article 17, and change Grant to Monroe County.

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Mike Spencer wants to check on something and the Council will come back to this later.

NEW WATER TANK:

Geraldine asked Rick if he wanted to explain this? Rick Coppock said he will explain the parts he knows most about. One thing we need to do, he thinks Mike (Spencer) has prepared a contract with Cook Incorporated for tie down financing for the tank. Their portion they are going to contribute is \$250,000. He has worked with Carol Seaman from their office. He believes that is ready to be voted on tonight. The other issue with the tank is acquisition of the property for the tank located, which is going to be on McNeely street, also on part of that property we have drawn up an easement for water line from the tank across that piece of property. Rick said Geraldine has spent considerable time working with Mr. Cassady who is also here and is the owner of the property. Rick said his understanding is that they have worked a exchange of property between Mr. Cassady and the town for the 20 acres that the town currently owns west of the Ridge Springs area, the old well site. Rick said half of the hook-ons that he requires for his property are 44 hook ons and 2 spots on the top of the tower for antennas for radio transmission. Rick said that is his understanding and heard from most parties concerned.

The critical issue with this is as part of the contribution from Cook, we've been on a rather tight time schedule to get the tank and water line completed by December 8th. They are in the process of adding onto their plant and they need the water for a new process which also means new jobs. In order to get it done by December 8th, we need to get construction started and the company that we'll be contracted with to build the tank is ready to start today. They will probably start next week with the foundation work. In order to get all this rolling we need to get the contract from Cook approved and get the property acquired. Rick said if you have more specific questions you can talk to Mike (Spencer) or Mr. Cassady.

Mike Spencer said basically we have several documents that need to be approved tonight. One is the agreement with Cook. He has work with Carol Seamen, Cooks Council, to prepare the document. He thinks it is a good document. It represents the agreement that has been worked out with Cook. The project will not exceed \$1,175,000, that does not include purchase price of the property. Cook is giving us \$250,000 towards that project. There is a provision that we will because Cook will be paying the contractor on a regular basis as the work is completed, we will be reimbursing Cook the amount of the money plus interest that we have agreed to at six and a quarter percent----- for that amount of money. Then if we didn't pay them within 30 days after completion of the project the interest would accrue at eight and half percent-----, but we fully anticipate paying them within 30 days after completion of the project because as you will recall what we will be doing is getting a Bond Anticipation note in this amount. We will have that money by-----December anticipated completion date. Once this has been paid we will also get a subsequent bond issue. It will be done to pay off the Bond Anticipation notes. The reason that we just don't go out and get a bond issue is since we are under the jurisdiction of the IURC, they must approve any bonds that we issue for water. That takes a lot of time. He has talked with Bond Council and they are initiating the process to get that job done. We don't anticipate we can get that job done by December so that is why we are going the ban. Other than that the agreement is essentially what he had proposed with some changes here and there that they proposed. He thinks the agreement is a good agreement and is appropriate for the Board to approve.

Mike Spencer said he thinks Rick discussed the acquisition of the Cassady property. It is his understanding that we would be exchanging 20 acres for a .17 acre easement-----for the water tower. Rick said .34 easement for water distribution line. Mike Spencer said so an additional .34 acre for the water line. Mike said Rick forgot to mention that they would pay us \$10,000 for our interest in the timber on the property. Mike said they would pay \$44,000, we keep saying for half the hook ons, essentially that's for all those hook ons, there is 88 hook ons. Mike said that he could place the radio on the water tower-----. Mike said you need to check with Jim (Davis) on the issue of the-----

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tower, or the Loudon Road tower. Jim Davis doesn't know what they are talking about. Mike said that is one thing we haven't confirmed.

Geraldine said we agreed that they could put one on the new tower. Mike Spencer said if we can do that. Jim Davis asked what new tower? Geraldine said on the new water tower. Jim Davis said the water tower. Geraldine said she wondered if they might be able to have one on the Loudon Road tank. Jim Davis said the water tank? Geraldine said yes. George said the tank is not guaranteed if you attach anything to------. Randy said just on the side. Mike Spencer said that's an issue that we need confirmed with Jim (Davis) as to whether that is----, he knows one of those towers we have an agreement with 3 other people. Jim Davis said that is the one on Curry Pike.

Geraldine said there is one thing we didn't agree with on and probably never thought of, was on the 20 acres, is a water easement for the Town of Ellettsville. Randy doesn't know where it is at on the property.

Geraldine asked how does the Board feel, do they have any questions on this? Rick said one thing he might add to, this is not just something that just came up in the last year or so, the water tank proposal has been around since 1985, when the town passed their water works plan. Rick said the tank was actually situated further to the east. Rick said you situate the tank based on elevation. This property has a elevation not too much different from the one east and provides for a shorter distribution line that is why they ended up on that particular site. Rick said it is not a new project by any means, it was a planned project from 1985. George said the original plan was to put a water tank on the 20 acres and a water tank on the east side to. Rick said he is not that familiar with the 20 acres but it is not a very good location for a water tank, it is kind of low ,we need something higher.

Rick said if we put the tank on the west side, the place for the tank is next to the Kindergarten Center, a spot that is almost equal in elevation to the McNeely Street site based of US quad angle maps. You want to keep your tank and your water elevations relatively same so you don't have different pressure zones. There was more discussion.

Mike Spencer said you have another agreement before you and that is called the access agreement. That is an agreement essentially by the Cassadys allowing the Town and Cook to enter upon this property to begin work on this project. We came up with that because it is uncertain exactly when we were going to be able to consummate the actual purchase and trade. He knows there is going to have to be some property work done to get that job done. They are going to want a title and we are going to want a title so that is going to have to be done. There is a bit of a time passage. This agreement he has reviewed and he finds it to be acceptable. The one he is going to ask you to sign is slightly different than the one you have because he went back after he looked at it, we originally had simply Randy Cassady as the owner and in fact it's himself and his wife that are the owners of the property and he changed it to reflect that. That is the one he has here. He thinks that is an appropriate document to sign as well, that would be signed by the Cassady's as well as-----.

Gina said so we have 3 documents, one going in with Cook? Mike Spencer said 2 documents and one essentially authorizing him to take those steps necessary to prepare the paper work and authorize the Board President to sign the necessary documents to consummate the transaction between the parties concerned------. Two documents to approve and one essentially authorization to do the work necessary to transfer the property, and sign the necessary deeds to transfer the property and contract. He thinks we would essentially do this by the form of a contract.

Mike Spencer said he would suggest the Board number one, approve the agreement with Cook. Number two, you might as well decide whether you approve the sale or not of the property and make that decision and then move the access agreement.

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Mike Spencer said I guess we have one thing that is not resolved and that is whether we are going to allow you to utilize the tower. Mike Spencer said if that is a major break a tie thing we can't proceed.

Jim Davis said his first question would be, who do you use for a radio company? Randy said we use CCS. Jim Davis said no way, he would totally disagree to CCS. Jim said the Council has already been approached by Area 10 on placing an antenna on that tower. He thinks the Council basically gave them approval. Someone who knows that tower, other words that brand of tower, is going to have to check and see whether it can handle another antenna or not.

Randy said primarily what he is asking is the right to utilize it for us if it meet engineering specifications.

Jim Davis said is that common practice with Government entities allows private industry? Randy said we have an agreement on the one at Curry Pike. Jim Davis said that is 3 government entities, that has nothing to do with private industry. Jim Davis said B&L is part owner of the tower. Randy said let me ask a question on that, based upon what is there at Loudon, if it works out from an engineering stand point based upon B&L's recommendations since they are the experts in this area, or if it is not structurally right at the expense of us (Cassady) erecting a tower that will serve all, at our expense, based upon B&L's recommendations of course. Jim Davis said he supposes that is a possibility as long as you include Area 10 Agency because you already gave them preliminary approval to do that. Randy said yea that is all he is looking at is the location itself as far and what ever the engineer B&L recommends. Randy said if what you got there now won't support another one, won't support another one that is fine. Randy said if we had to put one at our expense at a future day then that would be something we would have to do and make it work with everybody concerned.

Jim Davis said he would prefer that B&L does it. Randy said that is fine. Jim Davis said that is who they are currently using. Randy said this is fine. Jim Davis said he would prefer that it be written that way. Randy said that is fine with him.

Mike Spencer said what you are saying Randy was that if it doesn't met spec at this point and time you would like to be able to erect another tower. Randy said at the site at our expense sometime in the future, it doesn't have to be right now. Mike Spencer said I think we need to talk about that issue. Randy said that is something we can work out, I'm sure.

Geraldine said we also need to get the easement for the water line easement on that 17 or 20 acres.

Don said he has a question, George said something a minute ago, you said there was no guarantee on that water tower if we put an antenna on it? George said the new tank on new Loudon Road is ----- if we put anything structured, attached to the tank, the warranty on the----- on Loudon Ridge. Mike Spencer said we are not putting it on the tank at Loudon. George said erecting another tower beside it. George said he doesn't think anything should be attached to the tank even if it was a new water tank.

Jim Davis said he does know at one time the fire department looked into putting an antenna on Bloomington City water tank on Curry Pike. EPA gets shook up when you want to put antennas on water tanks, they make a big issue out of it now. He is not saying you can't do it because Bloomington City had some up on Dyer hill on a water tank. Jim said you have to have a permit from them before you put an antenna on a water tank.

Randy said FFA has a requirement within 5 nautical miles of the air way. Rick said we already have FFA approval. There was more discussion.

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Mike Spencer said the antennas are assuming we can do it. Randy said based on engineering. Mike Spencer said based on engineering and permits by----. Randy said right, the Council has no control, we just have to see.

Gina said and all this about the tower and all this is in the property agreement, is that correct, in the property exchange agreement, or what ever? Mike Spencer said we have no formal document tonight, you just authorize him to initiate the documents necessary to accomplish that and to carry out that agreement and authorize the president to sign the necessary documents to transfer properties.

Jim Davis and to Mike one other thing if you do write it he would like to see B&L or the engineers whatever, and they put it up and if it doesn't work and interferes with emergency services it comes down, if they can't make it work it comes down. Randy said on a situation like that, that would be completely up to B&L and the primary concern he would have that the emergency services come first above any other private radio frequency. Randy said if it interferes with anything that has to do with fire or police or public safety. Jim Davis said the Police Department has an antenna on that tower also. Randy said this is an engineering specification based on B&L.

Mike Spencer said essentially then your approving the agreement in its general form. He will prepare the necessary document to carry out that agreement. Mike Spencer asked Randy if that was satisfactory with him? Randy said this is fine, based upon engineering and governmental purposes, that is fine.

Geraldine said Mike and herself and Mike Cornman and Rick have put in a lot of time on this and we have come to this agreement for one main reason is we need access into the new water tower so that they can start preparing to put it up so we can fulfill our duties by December 10th. It will bring new jobs to town. They do plan to build quite an extension. It is up to the Board.

Mike Spencer said he wanted to inform the Council that Bond council thought that the arrangement would look very favorable.

Geraldine informed the Council that she spoke with Mike Cornman on the phone upstairs tonight before the meeting and Mike said to tell the Board members that if he were here he would vote for this.

Darlene Sowder asked does this provide initial water for the Town of Ellettsville or just for Cook? Geraldine said it provides additional water for the town. Geraldine said there are a lot of people on McNeely Road that came to us and wanted water and this will be able to provide those people with water. Darlene said that are already in the town? Geraldine said yes.

Gina Hawkins made the motion we approve the agreement with Cook for the water tank. Geraldine said the agreement with Cook on the money. Patrick Stoffers seconded. Motion passed 4-0.

Mike Spencer said lets approve the resolution to purchase the property, make the exchange as Rick and I have informed you of that agreement.

Gina said that she has some question on that, is not the access agreement that is the property agreement? Mike Spencer said right, if you don't buy the property you might as well forget the access agreement.

Gina asked how much property are we buying from Randy for the site or the water tower including the easements and what ever? Rick said .87 acres. Gina said so we are trading not even a full acre for 20 acres. Mike Spencer said that is a good question. Mike Spencer asked what the appraise value on the .87 acre? Rick Coppock said it's \$12,670. Mike Spencer asked what is the appraised value for the 20 acres? Rick said we had a July 14, 1997 Ellettsville Town Council minutes continued

preliminary study by Gill Bardo, an appraiser in Bloomington, based on looking at the site, \$500 and acre. Rick said they asked Wayne Johnson from First Appraisal Group, he said without looking at it he would guess it would be somewhere in the \$500 to \$800 an acre, he also sent him some comparable land analysis that he had done by Bloomfield and a couple other places and they range from \$230 acre to \$600 and acre. Rick said if you use what we got from Gil Bardo 20 acres are roughly worth \$10,000 less the water line easement. Gina said or \$16,000 depending on if it is \$500 or \$800. Rick said if you use the First Appraisal Group it's \$16,000, you are going to range from \$10,000 to \$16,000. Rick said the McNeely Street property the water line and tank and easement \$12,670.

Patrick said Mike you said something about timber? Mike Spencer said there is timber on the 20 acres and with some discussion upon splitting the value of the timber, however they came back and offered to pay us \$10,000 for our share of the timber. Mike Spencer said there was some recollection that someone had offered us \$18,000 at some point and time. There was more discussion. Mike Spencer said so you've got what seems to be a fair offer in terms of our share of the timber. Mike Spencer said it makes sense to him to do it in a lump sum, then you don't have to keep track of how much timber is out there and who is doing what with the timber.

Don said he is like Gina he is having a terrible time deciding to give up less than acre for 20 acres. Is this ground not for sale, this part of an acre up here that we want to put this tower on. Mike Spencer said no. Don said is there any ground up in that area for sale? Mike Spencer said he didn't know. Don said that swap doesn't taste good to him.

Gina said she doesn't like the idea of trading and swapping, because in her experience with trading and swapping somebody doesn't get the exact deal they should have. She doesn't see a problem with paying Randy \$12,670 for his property.

Randy said there is a couple problems, one he has to pay taxes on them, you take that \$12,000 and you knock 32% right off the top.

Gina said it is her understanding that at one point we started condemnation process is that correct? Mike Spencer said yes the notice has been issued. Gina said she doesn't mean to be rude but we can just take that property, give him the value of that property and not have to worry about all this trading back and forth stuff, is that correct? Mike Spencer said one of the requirements that you do before you condemn it is you make a statement that you made a good faith attempt to negotiate and you can not come to an agreement. Mike said you are obligated to negotiate, once you have done that and yes you can condemn you will incur additional attorneys fees, that is a cost to the town just like anything else. Mike Spencer said you don't know what you will end up paying, there is an uncertainty as to the value. Mike said the way the combination works there will be 3 appraisers appointed, they will come back and submit a value, if either one of us disagree as to the value, we could submit the value into the court and get on the----- and proceed and then we would fight the battle.

Geraldine said there again we are facing a problem of the not having the water tank on time if we go through all of this there is know way we can have it done by December 10th.

Mike Spencer said lets survey the hesitation of the Board members about the 20 acres for less than an acre which give concern and certainly he thinks that was the reaction many of us had. But review of the information we are getting from the appraisers, he doesn't know if that should be that much of a concern. He guesses you have to wonder what is the reliability of the appraisers. Gil Bordo is a well respected appraiser and he thinks that the fellow that, is it Johnson? Rick said yes, Wayne Johnson. Mike Spencer said Wayne Johnson is a well respected appraiser. Mike said different properties have different values, that is not unique that is pretty standard. There was more discussion

Patrick Stoffers said Mike let me understand the .87 is appraised at \$12,670, correct? Mike said yes. Pat said plus we get \$10,000 in timber okay then the 20 acres is appraised at ten to sixteen thousand dollars. Mike Spencer said correct. Pat said Thank you.

Jim Davis said what is this 44 hook on thing that you keep hearing about? Mike Spencer said he has a proposed apartment project out there. If he goes through with that project he is going to pay us \$44,000. For the eighty eight units. Randy said for the eighty eight units that's got a construction value of three point eight million dollars. Mike Spencer said if in fact he goes ahead and does it then he would pay us, if he didn't go ahead a do it he would pay us.

George said that is not an issue because he would pay that anyway. He would be paying that if he built the apartment anyway. It should never be part of the agreement. Mike Spencer said if there was no agreement he might be paying \$88,000. George said so actually he is getting a \$44,000 credit. Randy said George if you want to look at something from pay back time, with the Ellettsville utility hook ons this past----- when you take into consideration the tax revenues and utility revenues on this. Randy said our project up there pays back with all revenues one point three years it will be the highest tax base in Ellettsville period not School View or the rest of them. There was more discussion.

Randy said the one benefit the town get off that project you don't have any roads or any sewer lines or water lines to maintain. They are all private connections. With the revenue that is generated with no expense out going. George said his position at that point why is it part of this deal. Mike Spencer said then it doesn't make any difference whether it is part of the deal or not. There was more discussion on this matter. George said it looks like you are getting a \$44,000 credit with the purchase of the property.

Gina said so it is property for property, its the \$44,000 for hook-ons and its the thing on the tower, is there anything else? Mike Spencer said water easement part of the 20 acres. Rick said there is a water line easement across the tower base for the new distribution line.

Gina said so what you are looking for right now is for us to give you approval to draw this up and let Mike Cornman sign it and it is a done deal? Mike Spencer said right.

George said you are figuring the water line as existing on the property now. Mike Spencer said they are going to give us the easement. George said there should already be an easement for it. Randy said it is not there. Rick said we are figuring an easement behind what would be the existing right of way which would include the water line that is already there plus another easement for the new water line that sits further back off the road. Rick said without the water main across the property then-----with the new line at the edge of the McNeely Street which would force you to-----all the way back to the top.

Mike Spencer said it seems to him if you look at just kind of go along with----instead of looking at the way George is talking about and eliminate the issue about the----- project just look at the trade value. Yes there is some what of a variation in terms of trade value in the potential if you look at it at \$800 an acre, it is \$16,000 verses \$12,500, but you also need to look at the issue of the cost associated with you to work out other agreements and you also have to look at the issue of how important the water tank is to the Town of Ellettsville. Really how important the \$250,000 is to the Town of Ellettsville if terms of accomplishing an objective that the town would like to accomplish.

Gina asked why didn't anyone else on the board know about this except for 2 board members. That way they could have thought about all this and known about it and then made a decision and not have to sit here for 30 minutes discussing it and thinking about July 14, 1997 Ellettsville Town Council minutes continued

it. Mike Spencer said he thinks it was at the last Board meeting a committee was appointed. Gina said that is all well and good but what she is saying-Geraldine said she thinks Mike (Cornman) would have gotten with some of you members today had he not gotten sick. Gina said that is true also.

Don said the last account he had this has kind of been proposed before on this 20 acres and he thinks every body said no, I don't think we want to do that and we were going to start condemnation proceedings and then all at once here it is right back in our face and you tell us we have got to do it. Randy said not on the 20 the first was the 4. Geraldine said the 4 acres. Randy said the Town of Ellettsville said that is where we would like to have a Government Center, and he understood that.

Randy said he has a three million dollars project planned up here and its going to have a water tank at its main entrance.

George said his problem is you wouldn't trade 4 acres why would you trade 20, it is only another tenth of a mile from the town limits now. Randy said you have a piece of ground out there that falls all the way through, it is under water a lot, you got a easement going thought the middle of it, there is not even an easement to the dang thing. George said in that case why do you want it? Don said that is his next question. Randy said he doesn't want to go through the condemnation. Don said then why don't you sell us the ground? Randy said like I said I got a 88 unit apartment complex. Don said that didn't answer the question. Randy said because of what I have planned up there Don. There was more discussion.

Pat thinks we are quibbling and we are stuck on the .8 acre and the 20 acres. He thinks we need to look down the road and see and expansion of jobs, increased property values. There was more discussion.

Don said one other thought we are spending 1.4 million dollars on this project and we are trading 20 acres of ground for \$12,000. -----

Mike Spencer said Don what you are saying is you don't believe the 20 acres is the same value as the less than on acre? Don said I can't see giving away 20 acres for .8 acre. Mike Spencer said because it's-Don said not just because of that you don't know what the future values going to be. Don said he just can't see that trade, no matter how he looks at it, he doesn't see that trade, he doesn't see it for two reasons, number 1, he doesn't want to sell ground, and we are certainly just abiding by what he wants, by giving him the twenty acres, he sits back there and he shakes his head and says no I don't want that, but on the same token he won't sell us the ground, he is sure there has got to be some other recourse than giving up 20 acres of our ground. Don said he apologies sincerely if it is holding up something but he is not the only board member here. Don said at this point and time he would not make that trade and that is his opinion and you have 3 other people here and they can all vote yes but his vote is no.

Geraldine said there again if Randy sells us the property and we put up a water tower, he still goes ahead with his 88 units. She thinks he is a little concerned, and she would be a little concerned that those apartment buildings wouldn't go well with people looking out at a water tower.

Gina said so if we put the water tower up you're not going to do your 88 units? Randy said what he is trying to do in regards to the 88 units is get some upscale units in the community. Gina said right, she understands that. Randy said he could go up there tomorrow and he could put Section 8 up and he would have it made. Gina said she understands that, but what she is saying is-Randy said he is looking at if from a stand point of investment and is trying to build something up that he has got to put himself out on the line for to make a nicer than the Section 8 stuff. Randy said he has to take into consideration the whole area, the water tower is the detracting stand point, when you talk July 14, 1997 Ellettsville Town Council minutes continued

to the fiancé guys and the marketing people, people in the real-estate market. Gina asked if it is going to be apartments that you rent is that correct, it is not going to be like condos? Randy said no, when we do them we will prepare condominium type.

George Webb said you are going to put the water tank there and you don't have the water available, it has to go up before you put in the 88 units. Randy told George that it has all been approved. George said on the 16 inch water line? Randy said all I know is that it was all approved, straight up, and all the plans were put forward and it didn't have a water tank in it at all. Randy said there was not a word said, there was some concern on sewer where-----. Randy said there wasn't a thing said about water at that time.

Mike Spencer said one of the issues you have to keep in mind is that he doesn't know why he doesn't sell us the acreage for that amount of money, he is sure he. He has something he wants to do, he has his own agenda, that is fine, you can't begrudge him that. The town needs to make a decision as to whether it is a fair trade. If you think it is not a fair trade, then that is your decision. He doesn't know that you can look at it and say he can take the 20 acres and turn it into a shopping center and make millions of dollars. He supposes that it is his prerogative, but that is not what it is valued at, that is not what the appraised value is at this point and time. It seems to him you look at what your appraised values are to decide whether it is a fair trade or not and seemingly it's pretty close to a fair trade. You are the Board members.

Geraldine said she looks at it from the view of what Pat says. When this new water tower goes in, Cook is going to be adding on, there will be new jobs out of Cook, there will be more people moving into this area and it is one of our biggest industrial around here besides GE. It will benefit the town.

Geraldine said do I have a motion?

Patrick Stoffers asked Mike Spencer how he would frame the motion for what we are going to vote on? Mike Spencer said motion to approve the exchange of property according to the terms that I and Rick specified here. Patrick Stoffers so moved.

Geraldine McIntyre seconded.

Darlene Sowder said what is not clear to her is he doesn't want the water tower there but is going to there if he agrees to do this, and it would be there if it was condemned. She doesn't see the difference herself.

Randy said the difference is the potential of putting the three million dollar project there and also the difference comes down to a time frame situation. Randy said he is just trying to make it where it is the most palatable situation because he is taking a heck of a chance with all the-----.

Darlene said it seems to her that he has the problem with the water tower there either way.

Mike Spencer said he thinks the answer from our prospective on that is that they have a contract that needs to get started on the project, today. For him to get the job done and even get condemned probably puts him on, he has to file suit and he is prepared to file suit tomorrow. If he files suit tomorrow, the court, they have an opportunity to answer it in court, appoint the appraisers. Whatever time it takes, it is going to take him a month or two months, that puts the project two months down the road. He can't speculate what Randy's issues are or his agendas. All he knows is that he has to look at the information we have.

Patrick Stoffers asked Mike Spencer how much was it again the Cook was going to pay towards this project? Mike Spencer said \$250,000.

Jim Davis has a question, let's say this doesn't go through, how long before Ellettsville puts up the water tank their selves? Geraldine said we will have to do it eventually.
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George said if we don't get the water tank, Cooks is going to move their operation somewhere. Geraldine said out of the town of Ellettsville. Don said they are not in the Town of Ellettsville. Geraldine said they are going to move it more over to Bloomington.

Jim Davis said he is kind of on the fence, on one side he can kind of agree with what Don says. I guess if you look at we are trading eight tenths of an acre for 20 acres, it doesn't sound like it is a good deal, but if you are going to pay \$12,000 because that's what they say that's worth and they said that's worth twelve thousand or sixteen thousand out there and he is going to turn around and give you ten thousand back for the timber.

Monetarily, you're not that far off. The other thing is he agrees with the concept of eight tenths of an acre for 20 acres, that sounds stupid, but if it is swamp ground, it is going to be hard to build on to start with and he has walked the property and he knows it is swamp ground. The other thing to look at, he asked how long it is going to be before the water tower goes up, ISO says that we have got to have, he can't tell the figure, Insurance Organization says you've got to have x number of gallons of water in reserve in Ellettsville, for---hours, Rick might know, reserve water supply is to meet the class 5 fire protection rate that we've got. We don't have the water right now but that on tank. His question is how long is it going to be if you turn this down before you get the next water tank and is ISO going to come back and say you don't have as good of fire protection as what you has and raise everybody's insurance premiums?

Geraldine said it is here understanding that we were looking to do this and Rick may correct me on this but aren't we looking at putting one out on the other side of town within the next three years? Rick said it is a possibility.

Jim Davis said with your sewer line coming on in the next three months, development is going to open up tremendous over here and you are going to need it, you are going to need more water capacity. Now it sound like I'm for the project. It doesn't make sense to trade 20 acres for eight tenths but you're not talking about that much difference in money. If you condemn it and he doesn't like it and he files suite you could wind up paying \$4,000 in attorney fees in order to get what your getting now for sixteen thousand dollars.

Gina said, so even if it was \$800 an acre that's \$16,000, then he is going to give us \$10,000, then we are still coming out \$6,000 ahead, plus getting the jobs.

Geraldine said lets vote. Roll Call

Patrick Stoffers	Aye
Gina Hawkins	Aye
Donald Ashley	No
Geraldine McIntyre	Aye

Motion passed 3-1

Mike Spencer said now we need to move to the access. Geraldine said we need the access agreement, this gives them access to move in there this week or the first of next to start putting up the water tower.

Mike Spencer said essentially that is something they are giving to you, you just need to approve it, you are not giving them back anything they're just giving you a right to go in and so this. Patrick Stoffers made the motion we accept the access agreement. Gina Hawkins seconded.

Roll call:

Patrick Stoffers	Aye
Gina Hawkins	Aye
Donald Ashley	Aye
Geraldine McIntyre	Aye

Motion passed 4-0.

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CHRISTMAS LIGHT CONTRACT-CONTINUED:

Mike Spencer said the changes to the Christmas lights that he has stated are the only changes he wants made. Gina said just those two, taking out #2 and changing Monroe County, is that correct? Mike Spencer said right. Geraldine told Reanee, if you can get him to change those two words. Mike Spencer said delete paragraph 2 of article 17. Geraldine said a delete Grant and put Monroe. Reanee asked if that is the lease with the 10? Geraldine said it's the lease with the one you want to go with. Gina Hawkins made the motion that we approve the lease agreement with Christmas Visions for Christmas decorations contingent on the 2 changes, #2 in article 17, deleting and changing #5 to Monroe County. Patrick Stoffers seconded. Motion passed 4-0.

NEW BUSINESS:

CHANGE ORDERS FOR ELLETTSVILLE WWTP FACILITY:

None

ARROWPOINT DETENTION POND:

Melvin Sutherland said he met with Jr. Lane and 3 property owners that adjoin the detention pond. They talked over what to do with it. He tried to get in touch with Jr., he didn't know it was going to be on the agenda tonight, and he was gone he thinks the last part of last week. While Jr. was there and they talked it over he thinks it's to everybody's satisfaction. Melvins aiming to get in touch with Rick and have him look at it and talk to Jr.

Geraldine said as long as you work it out it's fine with them.

Rick said he called Jr. and talked to Sandy and she said he hadn't said much about it other than he went down and looked at it and they put the pipe in it and that is the last she heard about it.

Melvin said if everything is approved and every thing is all right with Jr. how do I get my bond money back, you are holding the bond money, \$3,0000 if he is not mistaken.

Rick Coppock said put it on the next agenda for release of bond money. Rick will go out and look at it and talk to Jr. and see where we are at.

Geraldine said she would like to see both of you (J.R. and Melvin) at the board meeting.

RESOLUTION 7-97 TRANSFER:

Gina Hawkins read Resolution 7-97. Gina said it is understanding this is just a pay back from the money we borrowed.

Gina Hawkins made the motion that we accept Resolution 7-97. Patrick Stoffers seconded. Motion passed 4-0.

RESOLUTION 8-97 TRANSFER:

Gina Hawkins read Resolution 8-97. Patrick Stoffers made the motion we adopt Resolution 8-97. Gina Hawkins seconded. Motion passed 4-0.

CITY OF BLOOMINGTON RESOLUTION FOR ELLETTSVILLE ANNEXATION:

Geraldine McIntyre said the next thing on the agenda is for the Town of Ellettsville to give our consent to the City of Bloomington for annexation.

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Rick Coppock said in order for Ellettsville to annex further east there is a State law that requires you to get permission from the City of Bloomington for an area 3 miles from its

corporate boundary. That area comes in around Lake View Drive. Rick explained this area to the Council. Rick said Geraldine and Mike have been in discussions with Bloomington to get their consent to be able to annex this area. In the past it was up before the City Council and they turned it down. They have met with them and worked out an agreement to do some cooperative planning between the City of Bloomington, the Town of Ellettsville and Monroe County on the State Road 46 corridor . After several meetings an agreement was worked out that Bloomington would agree to, Pam Service was the Bloomington City Council representative on the committee, -----of utilities. There agreement had been drafted and what it is for the is for Bloomington to give the town consent to annex in those areas. There is some stipulations there about cooperative planning through a planner to help long range plan in that area. If Bloomington grants that consent, its a phasing system. One of the first phase of consent is you get so many of these items for permit then you go on to phase 2 and the rest of the area to Union Valley Road. There is sanitary boundary for phase 1 and 2. Phase 2 goes farther east and takes in larger areas.

Geraldine said what we are asking here tonight is for the Board to give there approval for Mike to send Bloomington a letter saying that we are ready to start the annexation. Then the Planning and Zoning Board will give their approval and then we will go before the City Council in Bloomington.

Geraldine said I need a motion for us to okay our Town Board President to write a letter to the City of Bloomington requesting we start annexation. Patrick Stoffers so moved. Gina Hawkins seconded. Motion passed 3-0, Donald Ashley abstained from voting on this because he has never seen this.

REPORT ON PHYSICIAN FOR ELLETTSVILLE COMMUNITY:

Geraldine said we have a committee appointed for this. They had their first meeting with Dr. Nice. Serving on the committee is Helen Ennis, Gina Kapczynski, Dan Rogers, Colin McCarty, and Geraldine McIntyre. There next meeting is July 28th. There was a lot of question and discussion on where they would put the facility. There will be another report after the July 28th meeting.

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THANK YOU TO FIRE DEPARTMENT-HERB RAY:

Herb Ray commended the Fire Department for a job well done for the July 4th fire works.

Herb said people talked to him and say they are the best ones they have ever seen.

ADJOURNMENT:

Gina Hawkins made the motion to adjourn. Patrick Stoffers seconded. Motion passed 4-0.

Michael D. Cornman
President

D. Gerald McIntyre
Vice President

Donald Ashley

Patrick Stoffers

Gina M. Hawkins

Diana K. Evans
Clerk-Treasurer