

July 25, 2016

The Ellettsville, Indiana, Town Council met for a regular meeting on Monday, July 25, 2016, at the Fire Department Training and Conference Room. Scott Oldham called the meeting to order at 6:30 p.m. Kevin Farris led the Pledge of Allegiance followed with a prayer by Scott Thomas.

Roll Call: Members present were Scott Oldham, President; Dianna S. Bastin, Vice President; Kevin Farris and Scott Thomas. Brian Mobley was absent. Sandra Hash, Clerk-Treasurer; Darla Brown, Town Attorney; and Jim Davis, Town Manager, were also present.

Supervisors present were: Mike Cornman, Danny Stalcup, Jimmie Durnil, Kevin Tolloty, Mike Farmer and Jeff Farmer.

Approval of Minutes

Scott Oldham entertained a motion for approval of the minutes for the regular meeting, Work Session and Executive Session on July 11, 2016. Dianna S. Bastin so moved. Scott Thomas seconded. Motion carried.

Accounts Payable Vouchers

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

Resolutions

Resolution 17-2016 to Appoint Purchasing Agents to Purchase Temporary and Permanent Easements on Behalf of the Town of Ellettsville

Darla Brown, Town Attorney, explained the resolution appoints her, Jim Davis, Rick Coppock, Mike Farmer and Jeff Farmer as purchasing agents for the Town to secure the necessary temporary and permanent easements for the secondary waterline. All negotiations will be subject to the Town Council's approval. The resolution authorizes them to talk to property owners.

Scott Oldham entertained a motion to approve Resolution 17-2016 to Appoint Purchasing Agents to Purchase Temporary and Permanent Easements on Behalf of the Town of Ellettsville. Dianna S. Bastin made a motion to approve Resolution 17-2016 to Appoint Purchasing Agents to Purchase Temporary and Permanent Easements on Behalf of the Town of Ellettsville for those named by the attorney prior. Kevin Farris seconded. Roll call vote: Scott Oldham – yes; Dianna S. Bastin – yes; Kevin Farris – yes; and Scott Thomas – yes. Motion carried 4-0.

Resolution 18-2016 Surplus Property of the Police Department

Marshal Jimmie Durnil provided a list of old and unserviceable equipment. He is requesting permission to allow Nashville Police Department to look at the equipment. Ms. Bastin asked if the equipment will be donated to the Nashville Police Department. Marshal Durnil answered yes. Mr. Oldham asked Ms. Brown if it was allowable. Ms. Brown answered there's a case on-point that allows municipalities to exchange property on whatever terms they see fit including donations. Mr. Oldham suggested some of the smaller police departments such as Gosport and Stinesville may have a use for some of the equipment. Does he have a problem including them as well? Marshal Durnil answered no.

Scott Oldham entertained a motion to approve Resolution 18-2016 Surplus Property for the Department and allow the Marshal to assist Nashville Police or any other agency that may need the equipment. Dianna S. Bastin made a motion to approve Resolution 18-2016 Surplus Property for the Department and allow the Marshal to assist Nashville Police or any other agency that may need the equipment. Kevin Farris seconded. Roll call vote: Scott Thomas – yes; Kevin Farris – yes; Dianna S. Bastin – yes; and Scott Oldham – yes. Motion carried 4-0.

Ordinances on First Reading

Ordinances 2016-09 to Amend Chapter 96 of the Ellettsville Town Code Regarding Animals

Darla Brown, Town Attorney, explained the purpose of this amendment is to make clear that domestic livestock includes domesticated farm animals whether or not they're kept for commercial purposes. The definition of domestic livestock is extended to include other animals. The following statement was added to the definition of exotic animals: *"It also includes wild animals which means any animal not a domestic animal or a domestic pet."*

Dianna S. Bastin asked if this is passed does the tiny horse have to go. Ms. Brown replied they could grandfather it in and work it into the ordinance. Mr. Oldham asked if it is grandfathered does it give the opportunity for anyone else to come forward. Will there be a declared amnesty period? Ms. Bastin has heard from someone who says pot-bellied pigs make good house pets. Mr. Farris asked about rabbits. Ms. Brown answered domestic pets include rabbits. Ms. Bastin hasn't heard any complaints that would make her think she couldn't live next door to the horse. She doesn't want to add to the horse owner's problems. Nor, does she want people saying they can have pets because of a grandfather clause. Ms. Brown commented amnesty means they're giving people another opportunity to find another home for the animal before the ordinance is enforced. After a discussion it was decided Ms. Brown will do further research and will come back to Town Council as a first reading.

Scott Oldham entertained a motion to table Ordinance 2016-09 to Amend Chapter 96 of the Town Code Regarding Animals. Dianna S. Bastin made a motion to table Ordinance 2016-09 to Amend Chapter 96 of the Town Code Regarding Animals. Scott Oldham seconded. Roll call vote: Kevin Farris – yes; Scott Thomas – yes; Dianna S. Bastin – yes; and Scott Oldham – yes. Motion carried 4-0.

New Business

Appoint Councilmember as its Representative to the Monroe County Income Tax Council

Darla Brown, Town Attorney, advised there is a meeting with regard to the Monroe County Income Tax Council on Wednesday, July 27, 2016, at 7:00 p.m. in Bloomington Council Chambers. This meeting is a working group made up of various representatives of the county, city and Ellettsville. The purpose of the meeting is to establish guidelines for determining how funds from the new County Option Income Tax will be distributed and what guidelines the Income Tax Council wants to use for culling through Township applications. This includes deciding what information needs to be provided by the Townships in order to make their applications complete. There will be no decision made at this meeting as to how money will be spent. She is asking that a representative be appointed to attend meetings and represent the Town of Ellettsville. There will be three meetings. Mr. Oldham understands the meeting is to structure ideas and return to Town Council for action. Ms. Brown said that's correct. Mr. Farris asked when it comes time to vote do all three entities or each entity vote. Ms. Brown replied each entity has a certain number of votes they exercise for the Income Tax Council and Ellettsville has five. The entire Town Council is a member of the Income Tax Council. Mr. Thomas asked if the vote will be determined by the person attending the meeting. Ms. Brown answered the Council vote would align with the majority. Part of the discussion will be how to organize Income Tax Council meetings in the future. Mr. Farris suggested an alternate member. Mr. Oldham volunteered to attend the meetings and Mr. Farris volunteered to be the alternate.

Scott Oldham entertained a motion to appoint Scott Oldham as the Town Council representative to the Monroe County Income Tax Council. Kevin Farris made a motion to appoint Scott Oldham as the Town Council representative to the Monroe County Income Tax Council. Dianna S. Bastin seconded. Roll call vote: Dianna S. Bastin – yes; Kevin Farris – yes; Scott Oldham – yes; and Scott Thomas – yes. Motion carried 4-0.

Release of Letter of Credit for Phase I of Hidden Meadow; Henry's Fork, LLC, Petitioner

Kevin Tolloty, Planning Director, explained there are a few outstanding items from Phase I and the developer would like to transfer those to the Phase II letter of credit ("LOC").

The base coat of asphalt has been completed and will come off of the Phase II LOC. The cost to cover the work not completed would still be on the Phase II LOC which expires in February 2017. Mr. Farris asked why they would want to do this. Mr. Tolloty answered it is so they will only have one outstanding LOC. Mr. Oldham is confused as to why the work hasn't been done. Mr. Tolloty thinks a lot of it has to do with weather. They should have the work finished in four to six weeks. Ms. Brown added the bank charges the developer for each LOC and they want one LOC to cover all improvements as opposed to two. Mr. Tolloty has received confirmation from the IU Credit Union advising they agree with transferring items from Phase I to the Phase II LOC. Mr. Farris asked if they will have the top coat down by Thanksgiving. Mr. Emery hopes to get the top coat down before the asphalt plant closes. It will depend on when the homes get finished in Phase II. Mr. Tolloty noted the LOC due in February 2017 can be renewed if the work hasn't been finished.

Steve Emery, Principal of Henry's Fork, LLC, explained one year ago they re-platted 17 lots in Phase I of Hidden Meadow and gave an LOC for approximately \$75,000 for finishing sidewalks, street trees, curbs and a top coat of asphalt. In February 2016, they issued a new LOC for approximately \$97,000 for improvements to Phase II. They did the base coat in Phase II and there are a few things including sidewalks left in Phase I. The sidewalk is about the last thing to get done. They've transferred the financial obligation to build the sidewalks to the builder but they're still responsible as the developer. Miller Pipeline, who does gas installations for Vectren, dropped the ramps to unload a backhoe and put a big gouge in brand new asphalt and they're obligated to fix it but it's also their responsibility as the developer. Mr. Farris asked if sidewalks are in at the new houses. Mr. Emery replied sidewalks are done for the houses that have been completed. They do the sidewalks in sections for each lot.

Dianna S. Bastin has been to Hidden Meadow and it does appear as they finish a house the sidewalk gets done and they drop the sod. She sees progress is being made. Mr. Emery explained sidewalks have been built on 14 lots to date.

Scott Oldham explained they have had these issues before and there are developments that did not get completed when the developer turned over responsibilities to a third party. He is not inclined to grant it. Mr. Tolloty clarified the outstanding items would be covered under the Phase II LOC. Mr. Emery added the bank is still financially obligated for the full amount to cover everything. Mr. Farris asked if the developer and builder default is there enough money in the LOC to complete everything. Mr. Tolloty answered yes. There is 2" of basecoat in Phase II inspected by the Planning and Street Departments and it was fine. The basecoat was valued at \$26,075. The remaining items from Phase I total \$25,843 which will transfer to Phase II. The Phase II LOC will stay the same but the base coat will be removed from the LOC because it has been completed. Mr. Emery advised they intend to complete the work for Phase I very soon.

Scott Oldham entertained a motion to release the Letter of Credit for Phase I of Hidden Meadow; Henry's Fork, LLC, Petitioner. Dianna S. Bastin made a motion to release the Letter of Credit for Phase I of Hidden Meadow; Henry's Fork, LLC, Petitioner. Scott Thomas seconded. Roll call vote: Dianna S. Bastin – yes; Scott Oldham – yes; Scott Thomas – yes; and Kevin Farris – yes. Motion carried 4-0.

Fire Department Request Approval to Hire Part-Time Firefighters

Fire Chief Mike Cornman explained §36.100(C) allows the transfer of volunteers to paid staff with Town Council approval. He is requesting to move Dennis Duncan, Kelly Nathaniel ("Nate") Holland, Joshua Strange and Ben Patton from volunteer to paid staff. They have been through a series of interviews with the Board of Officers, Chief Officer and Town Manager. They are in need of part-time and volunteer firefighters and are currently taking applications. Chris Ness and Charles Belden are leaving the Fire Department and they are not creating new positions.

Scott Oldham entertained a motion to allow the Fire Department approval to hire part-time firefighters: Dennis Duncan, Nate Holland, Joshua Strange and Ben Patton. Dianna S. Bastin made a motion to allow the Fire Department approval to hire part-time firefighters: Dennis Duncan, Nate Holland, Joshua Strange and Ben Patton. Scott Thomas seconded.

Roll call vote: Kevin Farris – yes; Dianna S. Bastin – yes; Scott Oldham – yes; and Scott Thomas – yes. Motion carried 4-0.

Police Department Request Approval of Reserve Deputy Marshal

Town Marshal Jimmie Durnil is seeking approval of John Newcomer as a Reserve Deputy Marshal. Mr. Newcomer was with them for several years in the past. He comes highly recommended, has a lot of experience and is able to work by himself. Mr. Newcomer has passed the background check and has followed all guidelines.

Scott Oldham entertained a motion to approve Chief Durnil's request for a Reserve Deputy Marshal, John Newcomer. Kevin Farris made a motion to approve Chief Durnil's request for a Reserve Deputy Marshal, John Newcomer. Dianna S. Bastin seconded. Roll call vote: Scott Oldham – yes; Dianna S. Bastin – yes; Kevin Farris – yes; and Scott Thomas – yes. Motion carried 4-0.

Sandra Hash, Clerk-Treasurer, administered the Oath of Office to Reserve Deputy Marshal John Newcomer. Marshal Durnil presented Officer Newcomer with his badge.

Hilly Hundred – Reed Nelson

Reed Nelson thanked the Town Council for their assistance in the past. They will have the same route as last year. The Hilly Hundred will be held from October 21 – 23, 2016. Mr. Oldham asked if they have a permit on file. Ms. Hash answered a new permit has not been filed yet this year. They can come by the office and update the information on the old application. Ms. Bastin mentioned the cemetery that sets on the corner of Loudon and Reeves Roads has been a popular place for bicyclists to take a break in the past. They're requesting that they do not set on the tomb stones because some of them are irreplaceable. Mr. Nelson will make sure this is mentioned during the safety meetings. They average 3,000 registrants.

Scott Oldham suggested giving the Fire and Police Chiefs and the Street Department permission to close streets as needed for safety and maintenance of the areas for the event. All council members agreed.

Council Comments

Dianna S. Bastin stated at the last Town Council meeting there was a bad storm and a large limb fell on Chester Drive. A man stopped and cleared the roadway. On behalf of the neighborhood she appreciated it. Thank you so much.

She appreciates the Fire Department's strength and endurance because they had to fight a structure fire today. Thank you.

Scott Thomas congratulated the new officers and welcomed Jim Newcomer, Ben Patton, Dennis Duncan, Nate Holland and Joshua Strange. Thank you for your service.

Town Manager Comments

Jim Davis, Town Manager, advised the trusses for new Town Hall are ready to start going up within the next week. They should be in by Christmas.

Supervisor Comments

Darla Brown, Town Attorney, is requesting Town Council select an entity to do the title searches for the easements needed for the secondary waterline. She asked for three quotes but obtained two. She is recommending the Town go back at least 20 years and ask the title search company to pull all liens, mortgages of record and easements. The quotes are from Cortland Title for \$10,560 and Nathan Bethel Title for \$9,600.

Scott Oldham entertained a motion to approve John Bethel Title for the title searches for the secondary waterline. Dianna S. Bastin made a motion to approve John Bethel Title for the title searches for the secondary waterline. Kevin Farris seconded. Roll call vote: Scott Oldham – yes; Dianna S. Bastin – yes; Kevin Farris – yes; and Scott Thomas – yes. Motion carried 4-0.

Sandra Hash, Clerk-Treasurer, advised under the Internal Control Policy they’re required to take a 20 minute training session on the State Board of Accounts website. She has to certify Town Council has accomplished the training. Would they like to do this at a council meeting? Mr. Oldham asked if she could forward the link to them. Ms. Hash asked Ms. Brown if she has to be present while they view it because she has to certify it. Mr. Oldham suggested a work session after the next Town Council meeting. Ms. Hash said it also requires a policy outlining how they’re going to accomplish the internal controls. She went through an IACT webinar and they want town councils to be more actively involved and verify that clerk-treasurers are balancing the books. They will have to develop a procedure they can all agree on to accomplish that task.

Adjournment

Scott Oldham entertained a motion to adjourn. Dianna S. Bastin made a motion to adjourn. Kevin Farris seconded. Scott Oldham adjourned the meeting at 7:26 p.m.

Scott Oldham, President

Dianna S. Bastin, Vice-President

Scott Thomas

Kevin Farris

Brian Mobley

Sandra Hash, Clerk Treasurer