

July 26, 2004

The Ellettsville, Indiana, Town Council met on Monday, July 26th, 2004 at 7:00 PM at the Town Hall for a pre-adoption Public Hearing of the 2005 Budget. Patrick Stoffers requested Sandra to give a synopsis of the Budget.

Sandra Hash explained the Budget is finished and has been published twice - July 14th and July 20th. She met with Bob Purlee of the Indiana Department of Local Government Finance. He advised to reduce the assessed valuation by 10% as a safety precaution to allow for economic fluctuation and to take out the riverboat gambling tax in the miscellaneous revenue of \$32,000 because the agreement was only for two years (2003 & 2004). Also \$35,000 was omitted from the 16 Line Statement for Outstanding Purchase Orders. Due to the changes the Budget will be published an additional time. The total Budget is \$2,510,000.

She added at Pat's request the Fire and Police trash removal appropriation lines were reduced \$360 each and \$500 was removed from the Police promotion line.

Both the County Commissioners and Monroe County Attorney, David Schilling called today requesting funding from Ellettsville for Monroe County's Animal Control. Patrick Stoffers and Sandra Hash agreed more information was needed before the animal control issue will be discussed.

Patrick Stoffers asked for a motion to adjourn. Lisa Creech made a motion to adjourn. William Evans seconded. Motion carried. The meeting adjourned at 7:07 PM.

The Ellettsville, Indiana, Town Council met in regular session on Monday, July 26th, 2004 at the Town Hall. Patrick Stoffers called the meeting to order at 7:30 PM. William Evans led in the Pledge of Allegiance and Sandra Hash led in prayer.

Roll Call: Patrick Stoffers asked for roll call of the Council Members. Members present were: Patrick Stoffers, President; William Evans, Vice-President; Phillip Rogers; Lisa Creech and Dennis Williamson. Also present were Sandra Hash, Clerk-Treasurer; Mike Spencer, Attorney; Jeffrey York, Planning and Zoning Administrator and Rick Coppock, Town Engineer.

Supervisors Present: Jim Davis, Jim Ragle, Ron McGlocklin, Mike Farmer and Jeff Farmer.

Approval of the special meeting minutes for July 7th, 2004 and regular meeting for July 12th, 2004

William Evans made a motion to approve the minutes of the special meeting for July 7th, 2004. Phillip Rogers seconded. Motion carried.

Lisa Creech made a motion to approve the minutes for the regular meeting of July 12th, 2004. William Evans seconded. Motion carried.

Action to pay Accounts Payable Vouchers

William Evans made a motion to pay the accounts payable vouchers. Phillip Rogers seconded. Motion carried.

Ordinance 04-11 amending Chapter 36 of the Ellettsville Town Code by adding section 36.40 concerning Take Home Vehicles

Dennis Williamson read the ordinance in its entirety and Patrick Stoffers asked for a synopsis.

Sandra Hash explained in order to comply with the IRS rules the Town needed to have regulations in place concerning take home vehicles for non-safety employees as a taxable fringe benefit.

Ordinance 04-12 amending Chapter 94 of the Ellettsville Town Code concerning abandoned vehicles

Dennis Williamson read the ordinance in its entirety and Patrick Stoffers requested a synopsis.

Sandra Hash explained section one simply corrects the phrase unincorporated areas to read incorporated areas for the enforcement of abandoned vehicles rules. Section 2 and

3 delete the 30 day waiting period to remove an abandoned vehicle and replace it with the procedure prescribed in Indiana Code. She spoke with Ron McGlocklin and he prefers to follow the Indiana Code requirements.

New Business

Capacity Certification / Allocation request for church on Ratliff Road represented by Rick Coppock

Rick Coppock showed a map of the area to serve the southwest corner of Kenton Robinson's property on Ratliff Road across from the Nazarene Church. There is a proposal to construct another church in the area and for twenty-five single family homes. They would connect to the same lift station the Nazarene Church is on and the additional flow from a new site would increase the efficiency of the lift station.

Jeff Farmer agreed the plant could handle it and signed off on the 8500 gallon per day additional flow.

Lisa Creech made a motion to approve the Capacity Certification letter for the church on Ratliff Road and the Robinson property. William Evans seconded. Motion carried.

Discussion on the sale of property owned by the Town located at 709 Main Street

Dana Kerr, Attorney reminded the Council that in May he had expressed his interest in purchasing the "Shook" house. He said the "Shook" house was built in the 1870's and is a historical structure that should be preserved. He would like to negotiate with the Town to purchase the property and if the Town accepted his offer, he planned to restore the house for his Law Office, sharing the office space with another attorney and other businesses. He has spoken with representatives from both the Main Street and the Fall Festival organizations. Main Street doesn't have the funding available to restore the home nor the income to facilitate the monthly utilities. Joe Peden with the Fall Festival could not get enough individuals together to discuss the "Shook" house issue and Mr. Peden said he would be happy to support the project Mr. Kerr is proposing. He said he is willing to work with the Fall Festival Organization and told Mr. Peden the same. He pointed out if the house continues to set empty for any length of time it will continue to deteriorate and the Town could possibly lose this historic building. Some of the benefits of his purchasing the property include adding the property back on to the tax rolls, restoring a historical home, adding professional offices in the downtown area, receipts from the sale of the property and cooperation with the Fall Festival organization for community events. He has researched the Indiana Code on how the Town can sell property and there is a variety of ways the Town can do this. According to I. C. 36-1-11-4.2 it describes guidelines for the "sale or transfer of real property not acquired through eminent domain to promote an economic development project or facilitate compatible land use planning". Therefore, the Town can sell the property as long as it was not acquired through eminent domain which it was not; the Town received it from the State during the State Road 46 Project. The house has already been appraised at \$78,000 and the best use with the improvements would be for commercial purposes. The Town's appraisers felt residential use of the home would not be worth it since the home needs so much work. He knows the Town is trying to promote economic development in the area and using this home as a commercial site would help promote this. He went on to say if the Town wanted to either promote an economic development project or facilitate compatible land use planning then the property must have two (2) appraisals then negotiations for the sale or transfer of the property can begin and the property can be disposed of at a value that is not less than the appraised value.

He doesn't want to go thorough the bidding process because of the amount of time it would take and he's in need of office space now, he doesn't want to go through a bidding war if the bids were open to the public. He is willing to negotiate the sale for not less than the appraised value of \$78,000. The appraisal suggested ideas for making the home into a commercial property. He added there's no guarantee the Town will get the appraised value if they proceed with the bidding process, the Town could get more money but it could also get less.

Patrick Stoffers asked Mike Spencer for guidance on this issue and for Council comments.

Mike Spencer said the Town needs to decide if this is an economic development, which is a possibility and conceivably the Town could operate under the statute if it is considered as an economic development and he asked does the Town want to operate under that statute. He said the Town might get more money if it went through the bidding process. It is basically the Council's choice as to which option is the most beneficial to the Town.

Lisa Creech said if it became a "bidding war" the bidder could spend so much money on the property in the bidding process that they couldn't afford to fix it up. She thought it was a good proposal and would be compatible with the surrounding residential area. She stated the Council should give Mr. Kerr's proposal a lot of consideration.

Dennis Williamson stated no taxes are being collected currently so we should proceed with the sale.

William Evans said it was a good offer and they should proceed especially since he's proposed to restore the home to the original time period.

Patrick Stoffers asked Mike Spencer how to initiate the process.

Mike Spencer suggested making a motion to enter into negotiations to pursuant I. C. with Mr. Kerr.

Lisa Creech made a motion to entertain negotiations with Mr. Kerr for the sale of the 709 Main Street, otherwise known as the "Shook" house in pursuant of Indiana Code 36-1-11-4.2. William Evans seconded. Motion carried.

Jeana Kapczynski, Ellettsville Main Street thought it was a good proposal and they hope to list a lot of the area on the national register. She said if the Town plans to deem this as an economic development area then she suggested the Town using the proceeds from the sale of the property to help support other activities in downtown.

Discussion on Cooperative Interlocal Agreement for Building Code Enforcement

Jeff York said he wanted to discuss the draft of an Interlocal Agreement for Building Code Enforcement from Jim Gerstbauer, Building Commissioner of the Monroe County Building Department. He briefly explained the proposal and pointed out that if the Town agreed with the proposal; he would pick up new applications twice a week from the Monroe County Building Department review and return them. He pointed out the City of Bloomington has a similar agreement with Monroe County which specifies that 6 cents be collected per square foot of all new construction permits issued within Bloomington's jurisdiction in addition to Monroe County's fee of twelve cents a square foot. The Monroe County Planning Department has specified that the Building Department collect twenty dollars and 1 cent per square foot as their "planning review fee". He and Sandra Hash have discussed this and they agree that a ten dollar flat "planning fee" and 1 cent per square foot would be sufficient to cover the Town's portion. Therefore, if a person planned to build in the Town they would have to pay 1 cent for Town fees and twelve cents for County fees for a total of thirteen cents per square foot plus a ten dollar flat fee. The County would issue quarterly checks to the Town for the fees collected.

Patrick Stoffers said his instinct if the Council approves the Interlocal Agreement would be for Monroe County to take over the Building Department applications starting January 2005 and asked for Jeff's time frame. He also asked Jeff to contemplate the appropriate changes to the Town Code if the agreement is approved.

Jeff York said January 2005 would be fine and would give the Town's Building Department the window to complete current projects in progress. He agreed he would amend the Town Code and present it for Council approval.

Dennis Williamson asked if Jeff had done cost projections on what the Town would have collected if this Interlocal Agreement was in effect over the past two years.

Jeff said yes. In 2003 there were a total of 118 permits issued by Ellettsville, 70 of which were Single Family permits. He said he took an average of one thousand square feet on the 70 permits times 1 cent per square foot. He then added the \$10 flat fee for each permit issued for a minimum total the Town could have collected of \$1,880.

Potential Income if Bloomington would have Issued Ellettsville's permits in 2003:

Minimum of 1000 sq. ft. per building (single family homes only) x \$.01 = \$10.00

\$10 x 70 single family permits = \$700

\$10 x 118 total permits = \$1,180

\$700.00 + \$1,180 = \$1,880

Mike Spencer pointed out the agreement did not address whether Monroe County would address unsafe building issues. He spoke with Monroe County's Attorney David Schilling and he said they would be willing to take on this responsibility. Therefore, the agreement needs to be revised to include this issue.

Request from Officer Steve Bartlett concerning insurance while on Workman's Compensation Leave

Patrick Stoffers requested a synopsis from Sandy.

Sandra Hash explained Officer Steve Bartlett has been on Worker's Compensation in the past on extended leave and at that time requested the Town pay his portion and the Town's portion and it was granted for six months. The current Personnel Policy reads it is the responsibility of the employee on extended leave to pay both portions but it would be a hard task for him to pay at this point so he is requesting the Town pay both portions.

Lisa Creech made a motion to approve paying for his insurance benefits up to six months while he is on Workman's Compensation Leave. William Evans seconded. A roll call vote was taken; Dennis Williamson – yes, Lisa Creech – yes, Patrick Stoffers – no, William Evans – yes and Phillip Rogers – no. Motion carried 3-2.

Change orders for the New Police Station

Patrick Stoffers said he was advised by Ron Gellenbeck that they wanted to table this until the next meeting.

Engineer Assignment for the Gateway Project

Jeana Kapczynski explained Green 3 is trying to get all of the paperwork turned in by August 10th so hopefully the bid letting will be November 1st. According to the paperwork from INDOT a full time employee of the Town must be assigned as the designated full time Resident Project Representative for the construction of the Project. Rick Coppock is willing to oversee the project but he is not a full time employee of the Town, so she suggested Sandra Hash, Jim Davis or Jim Ragle to be the designee and needs the Council to sign off on it.

Patrick Stoffers asked if Sandra was willing and she agreed. He said he would entertain a motion to approve the Engineer Assignment for the Gateway Project with Sandra Hash as the Resident Project Representative.

Dennis Williamson said he would make that motion. Phillip Rogers seconded. Motion carried.

Privilege of the Floor

Glenn and Laura Benninger said they had sent an e-mail on Saturday requesting the operating hours and lights be curtailed at the Kinser's warehouses between the hours of 10 PM and 6 AM. They stated they think the hours should be restricted to daytime hours because vehicles are coming in and out at all hours of the night and keeping them awake loading and unloading with people talking, loud radios and the noise of moving objects. They also suggested reducing the lighting overnight. She added they have saw a man urinating at 9:30 PM by the cross ties last week and called the police. They don't want to see the facility or any of the activities that are going on there; it is becoming "intolerable". The weeds at the site are three feet tall also.

Patrick Stoffers requested Jeff York to investigate this situation in relation to the Town Code and get back with the Council.

Lisa Creech added in the revised health ordinance she and Jeff are considering adding “quiet hours” between the hours of 11 PM and 6 AM. She asked Ron McGlocklin what was done when the police were called by the Benningers.

Ron McGlocklin said the officer that responded reprimanded the man.

Supervisor’s Comments

Ron McGlocklin said one of his part-time Officers resigned due to personal reasons. He explained in his Department he now has one full-time officer vacancy, one officer on Workman’s Compensation and now one part-time officer vacancy. Ron said former E. P. D. Officer Paul Wampler turned in an application several months ago and is Academy certified. Ron needs someone now to work and he would like to hire Paul for the part-time position. Paul had moved out of state and recently moved back and will start working on August 4th as a full-time police officer for Indiana University but he would be available to work in Ellettsville for the hours he wasn’t scheduled at I. U.

In addition, Ron would like to apply for a loan on another vehicle through their CCD allocations they have. Sandra Hash said they may have the financial ability within existing Town funds for a new vehicle and will look into it prior to securing a new loan and get back with the Council and Ron with the information.

William Evans made a motion to allow Town Marshal to hire Paul Wampler part-time due to extenuating circumstances we have at the time being. Phillip Rogers seconded. Motion carried 3-1-1. (William Evans – yes, Phillip Rogers – yes, Dennis Williamson – yes, Lisa Creech – no and Patrick Stoffers – abstained)

Jeff York said that he had met with the City of Bloomington Planning Department concerning parking issues with the thought of revising Ellettsville’s Parking Ordinance. He said Bloomington’s parking ordinance went into effect in 1995 and at first they had difficulty getting the public to comply as well. Since their ordinance is no longer a new one, now in Bloomington the public generally complies soon after receiving the generic form compliant letter and they rarely issue tickets. Tickets are \$25 for violators who don’t comply. Letters are issued on a complaint basis only. They don’t look for violations. In Indianapolis complaints are anonymous and Bloomington will take anonymous complaints also. Parking is allowed in the rear on improved surfaces which can be gravel, stone, asphalt or concrete. He said there aren’t any standards for gravel drives as far as how much and type, but they require landscaping borders around gravel to be painted. They don’t require permits for existing driveways. They do want a site plan when improvements are planned on existing driveways to verify compliance on setbacks. He’s in the process of revising Ellettsville’s Ordinance and will present his proposal to change the ordinance at the next Plan Commission meeting on August 5th. (For a comparison of Ellettsville and Bloomington’s Ordinance see Special Session 7-7-04). Jeff thanked the Ellettsville Police Department, specifically Ron McGlocklin, Russell Harris and Tony Bowlen for their help on abandoned vehicles.

Patrick Stoffers asked when he would have the proposal ready and requested he give copies to the Council as well as the Plan Commission. He thanked Jeff for his hard work on this issue and for contacting Bloomington personnel.

Jeff York agreed and said he would have it ready by the end of the week prior to the August 5th meeting.

Lisa Creech has concerns about the possibility of removing the driveway standards from the current Town Ordinance. She doesn’t want the ordinance to be too overbearing or too lax.

Sandra Hash informed the Council she will be having surgery on Friday and will be on medical leave for at least the next couple of weeks maybe longer.

Dennis Williamson stated he had attended a course put on by The Office of Domestic Preparedness a couple of weeks ago and some of the Fire personnel attended it also. It was a good class concerning weapons of mass destruction; they learned how to do threat and risk assessment. He said additional related courses will be offered in the

near future and encouraged Jim Davis and Ron McGlocklin to send personnel to the courses if possible. He said we need to keep our emergency response personnel up to speed and trained for these types of issues.

Lisa Creech said she hopes to have the revisions for the new Health Ordinance ready for next meeting even though she hasn't received a lot of public input. She encouraged everyone that has comments to contact her prior to the next Council meeting so those comments could be considered before the draft is presented.

William Evans read INDOT's response letter to the letter Jeff York had sent them last month concerning speed zones. It reads:

Dear Mr. Stoffers,
Per your request, we have visited Ellettsville to review the existing speed zones thru the Town and our findings are as follows: Based on our review of the traffic flow thru the Town, we have concluded that existing speed zones are appropriate and have been properly established. It does not appear to be feasible to artificially lower 45 mph speed limit on the west side of the Town. In order to check the accuracy of the speed zones, we plan to revisit this issue in the near future. We appreciate your concern for traffic safety on SR 46. If our office can be of further assistance, please contact us at any time. Sincerely, Michael Hofmann, District Traffic Engineer and Joseph Hall, Seymour District Director.

He's spoken with Deputy Chief Mike Cornman about having the signs for Temperance and Main Street put back up.

Patrick Stoffers stated that for the August 9th Council meeting there will be an absence of a quorum due to three members being out of Town and suggested a motion to cancel the regular Council meeting for that night. They will meet again on August 23rd, 2004

William Evans made a motion to cancel the regular scheduled meeting on August 9th and meet again at the regularly scheduled meeting August 23, 2004. Phillip Rogers seconded. Motion carried.

• **August 9th, 2004 Council Meeting cancelled.**

Patrick stated he has accepted a promotion with the City of Bloomington to be the Utilities Finance Manager. He starts this new position on August 16th and he will provide the Council new numbers to contact him soon. He closed by asking for a motion to adjourn.

William Evans congratulated Pat on his promotion.

Adjournment

Phillip Rogers made a motion to adjourn the meeting. William Evans seconded. Motion carried. Meeting adjourned at 8:47 p. m.

Patrick Stoffers, President

William Evans, Vice-President

Lisa Creech

Phillip Rogers

Dennis Williamson

Sandra C. Hash, Clerk-Treasurer