

July 27, 2015

The Ellettsville, Indiana, Town Council met for a regular meeting on Monday, July 27, 2015, at the Fire Department Training and Conference Room. David Drake called the meeting to order at 6:30 p.m. Dianna Bastin led the Pledge of Allegiance followed with a prayer by Kevin Farris.

Roll Call: Members present were Dianna Bastin, David Drake and Kevin Farris. Scott Oldham and Scott Thomas were absent. Sandra Hash, Clerk-Treasurer, Jim Davis, Town Manager, and Darla Brown, Town Attorney, were also present.

Supervisors present were: Mike Cornman, Danny Stalcup, Tony Bowlen, Kevin Tolloty, Mike Farmer and Jeff Farmer.

Approval of Minutes

David Drake entertained a motion for approval of the minutes for the budget meeting and regular meeting on July 13, 2015. Dianna Bastin so moved. Kevin Farris seconded. Motion carried.

Accounts Payable Vouchers

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

Ordinances on First Reading

Ordinance 2015-11 Rent for the New Town Hall

Darla Brown, Town Attorney, explained Utilities is requesting to be allowed to pass the cost of office rent to the Town's water customers. The purpose of the ordinance is to make it clear that all offices occupying the new Town Hall pay their percentage share of the rent based on their respective square footage.

David Drake assumes part of the reason for this is people outside of Town are not paying property taxes to support building the new Town Hall. So, this spreads out the cost. Ms. Brown thinks the issue is Utilities should not be the only entity paying the rent and that's the purpose of the proposed ordinance.

Ordinances on Second Reading

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

Jim Davis, Town Manager, explained revisions to the policy include safeguards so the Town Council is notified of expenditures more than \$2,500. Expenditures \$2,500 or less can be made by supervisors without prior approval of the Town Council if they're already included in the budget. It gives Town Council the opportunity for input via email. From \$2,500 to \$50,000, expenditures approved in the budget should be made with notification to Town Council via email and if there are no objections then the purchase can go through. Expenditures between \$50,000 and \$150,000 would require a bidding process as well as those over \$150,000. A section on Emergency and Special Purchases was added should expenditures be necessary on a weekend.

Diana Bastin asked if the Town pays \$50,000 for something how will the public know about the purchase. Mr. Davis replied it is approved in the budget process which is publicized and on the website. Are you wanting more notification to the public? Ms. Bastin answered it used to be discussed in meetings and the public would know about it. Mr. Farris asked what the prior limit was. Mr. David answered \$25,000. Ms. Bastin stated the money for vehicles in the past was budgeted for but they've always come before Town Council to inform them of the same. Mr. Farris doesn't want to micromanage every department. Mr. Davis suggested having supervisors notify the public at a Town Council meeting that they've made a purchase. Mr. Farris asked why the limit was increased to \$50,000. Ms. Brown replied state statute allows municipalities to create their own purchasing policy for purchases under \$50,000. If it is over \$50,000 the Town has to still go through the process of soliciting quotes which will be made known to the public at Town Council meetings. Subsection A states if it is between \$2,500 and less than \$50,000, and funds have been budgeted for, then that's when the purchase can be made. If it is over \$50,000 the Town still has to go through the

same process as in the past. If it is up to \$50,000 and the funds have not been budgeted for then they're still back to where they were. Mr. Drake commented basically they're budgeting for inflation based on the fact it has been \$25,000 for a long time. Ms. Hash clarified the budgets are on the state's Gateway and not on the Town's website. Ms. Brown stated §33.04 states *"For all other purchases in the amount of \$2,500.00 but less than \$50,000 . . . and for which funds have not been budgeted, the Department Supervisor in conjunction with the Town Manager shall seek at least three firms known to deal in the class of supplies or equipment to be purchases to submit quotes."* They still have to go through the quote process to make sure the Town is getting the best deal. Ms. Bastin said the last pickup truck they purchased was included in the budget and already approved but they told the public they were buying it. It has always been part of a public meeting. After a discussion, it was decided to add the following to §33.03(B), *"The purchase shall be announced at the next Town Council meeting."*

David Drake entertained a motion to approve Ordinance 2015-09 to Amend Section 33 of the Ellettsville Town Code regarding the purchase policy as amended during discussion. Dianna Bastin made a motion to approve Ordinance 2015-09 to Amend Section 33 of the Ellettsville Town Code regarding the purchase policy as amended during discussion. Kevin Farris seconded. Roll call vote: Dianna Bastin – yes; David Drake - yes and Kevin Farris – yes. Motion carried 3-0.

New Business

Street Department Quotes for Resurfacing Tecumseh Street

Danny Stalcup, Street Commissioner, explained Tecumseh Street really needs paved. Three bids have been provided to Town Council. In his opinion, Milestone is the bid to accept. He is requesting approval of the bid.

Dianna Bastin lives on Tecumseh Street and she clarified and Mr. Stalcup confirmed she had nothing to do with this process. The Street Department chose this due to condition of the street. Mr. Stalcup added Milestone indicated if they got the job they would like to do it before school started. Ms. Bastin asked him to notify the public when streets will be closed.

David Drake entertained a motion to accept the Street Department's quote from Milestone to resurface Tecumseh Street. Kevin Farris made a motion to accept the Street Department's quote from Milestone to resurface Tecumseh Street. David Drake seconded. Roll call vote: Dianna Bastin – yes; David Drake - yes and Kevin Farris – yes. Motion carried 3-0.

Renewal of the Employment Agreement for the Town Manager

Jim Davis, Town Manager, explained it is the same agreement as approved a year ago. Ms. Brown made a few minor changes. It extends the term of the contract to December 31, 2018. Ms. Bastin would like for Mr. Davis to see the conclusion of building Town Hall and what may or may not be done on the property.

David Drake entertained a motion to renew the Employment Agreement for the Town Manager. Dianna Bastin made a motion to renew the Employment Agreement for the Town Manager. David Drake seconded. Roll call vote: Dianna Bastin – yes; David Drake - yes and Kevin Farris – yes. Motion carried 3-0.

Active Environmental Services, Inc. Requests Permission to Discharge Treatment Ground Water to Sanitary Sewer for the Westside Citgo

Jeff Farmer, Ellettsville Utilities, explained this pertains to the Westside Citgo aka the Marathon Station ("Citgo") at the corner of Maple Grove and west State Road 46. The Environmental Protection Agency makes older service stations reclaim the water around fuel tanks when Benzene is present which is happening at this site. The Town has an ordinance which states Benzene cannot be discharged into the sewer. However, another ordinance gives the Town Council authority to approve the discharges if the supervisor of the Utilities says it is okay. Citgo will reclaim the water, treat it with a charcoal filter and reduce the Benzene to 5 parts per billion which is basically non-detectable. They are requesting to be able to discharge it into the sanitary sewer which goes to the sewer plant. The other option is they can get a NPDS permit and discharge it into a drainage ditch which would travel to the creek. The latter option would cause a nuisance to whomever lives in the area. It will be

2,000 to 3,000 gallons per day. Citgo will pay for the sewage discharge and a hook-on fee. Utilities will monitor their flow meter. This will last one to two years and he sees no reason not to allow it. There will not be any harmful effects to the wastewater plant.

Kevin Farris asked if it is Citgo's filter system. Mr. Farmer replied they have a treatment system they will bring in. They will collect the water, run it through their treatment system, discharge it back into the sewer and clean up the site. It is a good thing. Mr. Farris asked if Citgo monitors the filter. Mr. Farmer answered they monitor the filter and the Town has the right to also monitor it. Citgo will be required to monitor the flow daily and test monthly for what is being discharged. He asked them to test weekly for the first month and then monthly thereafter. They will forward their reports to him which he will review to make sure they're doing nothing harmful. Mr. Farris asked if Utilities will test for Benzene. Mr. Farmer stated they are not required to do so. At this level, when it gets into the wastewater stream, they treat 1,000,000 gallons a day and they will never be able to detect it.

David Drake entertained a motion to allow permission to discharge treatment groundwater to the sanitary sewer for the Westside Citgo aka Marathon. Dianna Bastin made a motion to allow permission to discharge treatment groundwater to the sanitary sewer for the Westside Citgo aka Marathon. Kevin Farris seconded. Roll call vote: Dianna Bastin – yes; David Drake – yes and Kevin Farris – yes. Motion carried 3-0.

Jeff Farmer announced Utilities will be receiving their new service truck on July 28, 2015.

Agreement with H.J. Umbaugh (“Umbaugh”) to Provide Financial Advisory Services Concerning the New Town Hall

Darla Brown, Town Attorney, explained this is a proposed agreement between the Town and Umbaugh which is almost exactly the same as the agreement for the Fire Station. Umbaugh agrees to provide, among other things, financial planning services which includes a budget of projected costs for land, construction, equipment, architect's fees and bond issuance expenses. They will allocate the project costs, calculate the probable annual debt service, provide the attorneys which means her, Lisa Lee and bond counsel, the financial data needed to prepare the bond documents and attend public meetings when requested. With regard to the sale of the bonds they will provide disclosure services which would include assisting the Town in connection with the preparation and composition of a preliminary and final official statement for the public and bidders, prepare and distribute the potential bidders copies of the preliminary official statement, attend the bond sale and prepare instructions relating to closing and delivery. Their fee is going to be \$30,000 for Articles I through III. For Article IV, Lease Sufficiency Report, the fee is \$4,000. Mr. Davis remarked it isn't much more than when the Fire Station was built.

David Drake entertained a motion to accept the agreement with H.J. Umbaugh to provide financial advisory services concerning the new Town Hall as so stated. Kevin Farris made a motion to accept the agreement with H.J. Umbaugh to provide financial advisory services concerning the new Town Hall as so stated. Dianna Bastin seconded. Roll call vote: Dianna Bastin – yes; David Drake - yes and Kevin Farris – yes. Motion carried 3-0.

Supervisors Comments

Town Marshal Tony Bowlen is requesting approval for a contract for LeadsOnline. It is a service that helps track pawn shop purchases and sales, secondhand items and valuable metals. They have been using a trial version and it has allowed them to recover quite a few pieces of personal property for people who have been the victims of burglaries and various thefts. It is also a requirement of an Ellettsville ordinance for the pawn shops to report to this service. The cost is \$1,578 per year and the agreement is for three years. The money has been budgeted in the Cumulative Capital Development line.

Kevin Farris asked if all pawn shops in the county or a certain radius need to do this. Marshal Bowlen answered there are pawn shops all over the United States reporting into this system. For example, a few years ago while using a trial of this database they found a four wheeler in Henderson, Kentucky that had been stolen from Ellettsville True Value. It has helped them a lot. The cost is a bargain for being able to solve cases and get property back for people.

David Drake entertained a motion to accept Tony’s bid for LeadsOnline and enter into the agreement as he so stated. Kevin Farris made a motion to accept Tony’s bid for LeadsOnline and enter into the agreement as he so stated. David Drake seconded. Roll call vote: Dianna Bastin – yes; David Drake - yes and Kevin Farris – yes. Motion carried 3-0.

Adjournment

David Drake entertained a motion to adjourn. Dianna Bastin made a motion to adjourn. Kevin Farris seconded. Scott Oldham adjourned the meeting at 7:07 p.m.

Scott Oldham, President

Scott Thomas, Vice-President

Dianna S. Bastin

David Drake

Kevin Farris

Sandra Hash, Clerk Treasurer