

**June 10, 2013**

The Ellettsville, Indiana, Town Council met for a regular meeting on Monday, June 10, 2013, at the Fire Department Training and Conference Room. Scott Oldham called the meeting to order at 6:30 p.m. Dianna Bastin led the Pledge of Allegiance followed with a prayer by Phillip SmithDenise Line.

**Roll Call:** Members present were Scott Oldham, – President; Dan Swafford, Vice President; Dianna Bastin and , David Drake and Phillip Smith. Dan SwaffordPhillip Smith was absent. Darla Brown, Town Attorney, and Rick Coppock, Bynum & Fanyo and Associates, Town Engineer, were also present. Sandra Hash was attending a conference and not present at the meeting.

**Supervisors Present were:** Bill HeadleyJim Davis, Jim Ragle, Jim Davis, Connie Griffin and Jeff Mike Farmer.

### **Approval of Minutes**

Scott Oldham entertained a motion for approval of the minutes for the regular meeting on May April 2228, 2013. David Drake David Drake so moved. Phillip Smith Dan Swafford seconded. Motion carried.

### **Accounts Payable Vouchers**

Scott Oldham entertained a motion for action to pay Accounts Payable Vouchers. Phillip Smith Dianna Bastin so moved. Dianna Bastin David Drake seconded. Motion carried.

### **Proclamation – Huntington’s DiseaseHuntington’s Disease Awareness Month**

**Scott Oldham** explained the 2<sup>nd</sup> Annual Tammy Laird Carroll Memorial Walk for Huntington’s Disease will take place on May 18, 2013, at McCormick’s Creek State Park. The Proclamation for Huntington’s Disease Awareness Month was read as follows:

#### **Proclamation**

#### **Town of Ellettsville, Monroe County, Indiana**

**WHEREAS,** Huntington’s Disease is a strongly genetic, neurodegenerative disease that typically affects people in mid-life, and places each child of an affected parent at risk of inheriting the expanded gene responsible for causing the disease; and

**WHEREAS,** HD is a rare and orphan disease affecting 30,000 Americans while placing another 200,000 at-risk; and

**WHEREAS,** the average lifespan after onset of Huntington’s Disease is 10-20 years, and the younger the age of onset, the more rapid the progression of the disease, resulting in children who develop the juvenile form of the disease rarely living to adulthood; and

**WHEREAS,** Since 1993 when the gene that causes HD was discovered, research into the causes are currently exploring many new avenues and approaches including focus on way to delay onset of HD, development of effective therapies that may slow the progression of HD and ultimately, a cure for the disease; and

**WHEREAS,** there is at present no effective treatment or cure for Huntington’s disease, raising awareness about HD is critical to the advancement of vital research and support services; and

**WHEREAS,** Indiana has one of the highest incidences of Huntington's disease in the country:

**NOW, THEREFORE** be it Resolved, that the Ellettsville Town Council, Ellettsville, Indiana do hereby proclaim the month of May, 2013, as

HUNTINGTON’S DISEASE AWARENESS MONTH

ADOPTED this 13th day of May in the year of our Lord, Two Thousand Thirteen.

Clerk-Treasurer’s Report

April 2013 Fund Balances

	April Beginning Balance	MTD Revenue	MTD Expenses	April Ending Balance
General	\$ 298,618.94	\$ 78,195.83	\$ 151,769.79	\$ 225,044.98
MVH	\$ 40,251.33	\$ 46,592.75	\$ 31,785.67	\$ 55,058.41
Water O&M	\$ 184,428.10	\$ 137,536.11	\$ 135,327.10	\$ 186,637.11
Waste Water O&M	\$ 317,786.66	\$ 101,769.07	\$ 149,113.39	\$ 270,442.34

Clerk-Treasurer’s Report submitted in writing to be included in the minutes.

Resolutions

Resolution 059-2013 Refinancing of the Police and Fire Bonds, John Seever, CPA, H.J. Umbaugh & Associatesto Dispose of Surplus Property for the Fire Department – Jim Davis

Fire Chief Jim Davis explained the Fire Department purchased a new rescue truck and engine. He noted several of the firemen came in off duty and worked two or three days transferring equipment to the new trucks. They now have two trucks they no longer need and want to put them up for sale. He is requesting they be declared surplus property.

Scott Oldham asked if there is any need to hold the vehicles as reserve. Chief Davis answered no. Mr. Oldham asked what the years of the trucks are. David Drake replied they are 1977 and 1988. Mr. Oldham asked how much the trucks are worth. Chief Davis replied they are worth \$3,000 to \$5,000. The rescue truck may go for a little more because it is four wheel drive. They are both gas engines and have clutches. Dan Swafford asked if there are any volunteer fire departments that are really hurting for trucks. Chief Davis replied with all the grants available he doubts if anyone wants them but they will find out when they’re offered for sale.

Scott Oldham entertained a motion to approve Resolution 09-2013. David Drake made a motion to approve Resolution 09-2013. Dianna Bastin seconded. Roll Call Vote: Scott Oldham – yes; Dan Swafford – yes; Dianna Bastin – yes; and David Drake – yes. Motion carried 4-0.

Dan Swafford asked if the vehicles are street legal. Chief Davis replied yes.

Award Quotes for Tandem Dump Truck and Mini Excavator for Ellettsville Utilities

Mike Farmer, Ellettsville Utilities, explained they received three bids from MacAlister Caterpillar, Smith Implements and Bobcat of Indiana. They received a low bid of \$33,979.58 from Bobcat of Indiana. It’s a really good price and machine. Mr. Swafford asked if this includes extras. Mr. Farmer replied it includes all equipment such as a couple of different size buckets, hydraulic thumb and extended boom.

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Scott Oldham entertained a motion to approve the Bobcat brand mini-excavator for Ellettsville Utilities. Dianna Bastin made a motion to approve the Bobcat brand mini-excavator for Ellettsville Utilities. Dan Swafford seconded. Roll Call Vote: Scott Oldham – yes; Dan Swafford – yes; Dianna Bastin – yes; and David Drake – yes. Motion carried 4-0.

**Mike Farmer** asked for three bids for the Tandem Dump Truck and received two. The low bid was from Sternberg International located in Monroe County. With the chassis and bed they received a low bid of \$101,730.60.

Scott Oldham entertained a motion to accept the bid for the International Tandem Dump Truck for Ellettsville Utilities. Dianna Bastin made a motion to accept the bid for the International Tandem Dump Truck for Ellettsville Utilities. Dan Swafford seconded. Roll Call Vote: Scott Oldham – yes; Dan Swafford – yes; Dianna Bastin – yes; and David Drake – yes. Motion carried 4-0.

#### **Resolution 10-2013 Ratifying Sale and Lease Amendment – Darla Brown**

**Darla Brown** explained on May 13, 2013, the Town Council adopted a resolution preliminarily approving refunding of the bonds. The bonds were sold on May 30, 2013. The Town will realize a debt service savings of about \$200,000. The bonds will be paid off in January 20, 2024. This resolution approves the lease amendments for the police and fire with regard to the bonds. The closing is June 13, 2013.

Scott Oldham entertained a motion to approve Resolution 10-2013. David Drake made a motion to approve Resolution 10-2013. Dianna Bastin seconded. Roll Call Vote: Scott Oldham – yes; Dan Swafford – yes; Dianna Bastin – yes; and David Drake – yes. Motion carried 4-0.

**John Seever, CPA, H.J. Umbaugh & Associates**, explained there are two outstanding bonds originally issued in 2004 which were to finance the construction of the Police Department and Fire Station. They're coming up on their first call date which is July 15, 2013. To make it possible to call the bonds on July 15, 2013, the Town needs to be in a position to close on the new financing by June 15, 2013 because of a 30 day notice requirement. The reason the Town would want to do this is to take advantage of much lower interest rates. The annual average is approximately \$20,000 per year and the present value is estimated to be approximately \$200,000 which is what the Town would be saving. There have been discussions with the Building Corporation about other alternatives and it was decided to do straight forward refunding to try and reduce the annual debt service payment by approximately \$20,000 per year. The interest rate is two and one-half percent.

**Darla Brown, Town Attorney**, explained one of the Building Corporation's Board of Directors had a question about whether or not they could use the savings for other projects in the community. The answer is no because there is a provision in the Indiana Code regarding the disposition and permissible uses of savings from refunding bonds. They can only be used to pay the principle or interest, or both, on the refunding bonds or other bonds if the issuing body approves the ordinance authorizing the use of the savings. Mr. Oldham asked if the funds will be refunded to the General Fund. Sandra Hash replied it doesn't go back into the General Fund. The Debt Services have their own tax rate and it will be reduced for the taxpayer. Ms. Brown added this is property tax based so it falls under the statute. Mr. Oldham summarized the tax payers are saving \$200,000.

**John Seever** added there was also a suggestion to look into the possibility of shortening the bond issue. The most it could possibly be shortened, however, was six months and then they get into timing concerns. A timetable prepared by Ice Miller was provided. If they approve of everything discussed, the event for their consideration is the resolution. Mr. Oldham asked when the taxpayers would see a reduction. Ms. Hash replied it should be 2014.

**Darla Brown** advised on June 10, 2013, the Council will meet to consider a resolution ratifying the sale.

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**Russ Ryle** requested when something like this is presented to the Town Council that the handout also be shown on the screen for the benefit of the audience and those watching on the internet.

Scott Oldham entertained a motion to adopt Resolution 05-2013 refinancing of the Police and Fire Bonds. Dianna Bastin made a motion to approve Resolution 05-2013 refinancing of the Police and Fire Bonds. approve the sale of the police car in question to the Monroe County Sheriff's Reserves. David Drake seconded. Roll Call Vote: Scott Oldham – yes; Dianna Bastin – yes; David Drake – yes and Phillip Smith - yes. Motion carried 4-0.

**John Seever** announced they will be able to present the actual numbers from the sale on June 10, 2013.

### **Resolution 06-2013 to Dispose of Surplus Property**

**Town Marshal Tony Bowlen** explained the Police Department has a 2006 Ford Crown Victoria they want to declare surplus to sell to the Monroe County Reserves.

Scott Oldham entertained a motion to approve the sale of the 2006 Ford Crown Victoria in question to the Monroe County Sheriff's Reserves. David Drake made a

motion to approve the sale of the 2006 Ford Crown Victoria in question to the Monroe County Sheriff's Reserves. Phillip Smith seconded. Roll Call Vote: Scott Oldham – yes; Dianna Bastin – yes; David Drake – yes and Phillip Smith - yes. Motion carried 4-0.

**Marshal Bowlen** advised they will turn the car over to the reserves within a week and the sale price is \$4,500. Mr. Oldham noted the Police Department intends to use the proceeds from this purchase with funds from the Cumulative Fund to purchase a new patrol car.

### **Old Business**

#### **Community Service**

**Dianna Bastin** advised she would like to table this because they were unable to meet due to vacations.

Scott Oldham entertained a motion to table this item. Dianna Bastin made a motion to table this item. Dianna Bastin seconded. Motion carried.

### **New Business**

#### **Monroe County Bridge Project on Matthews Drive – Connie Griffin**

**Connie Griffin, Director of Planning**, introduced Gary Pool of the Monroe County Highway Department.

**Gary Pool, Monroe County Highway Department**, on behalf of Bill Williams, is overseeing a project to replace Bridge No. 33 which is the bridge in front of the stone quarry along Matthews. The bridge is old, is due to be replaced and the roadway is narrow which causes concern for the Hilly 100. They're looking at replacing the road and doing a small realignment. The roadway will relocate to the east of where it is. Just to the west of the roadway is a large wetland and forest. The Environmental Protection Agency ("EPA") requires them to do a mitigation for any wetlands they impact. Just to the east of the Ellettsville trash compaction and utilities area is a large grassy area. It is low and within the flood plain so it is not ideal to build on. It is ideal, however, for wetland mitigation. They are requesting to use this land to create the one

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and a half acres of a mitigation site. The Town would have to stop mowing the site and small berms in the area. It will be wet for seven to eight days during the growing season which will allow aquatic plants to grow. It will also have a large planting of trees for 1.5 acres. They are impacting the Town of Ellettsville's trash compaction area. They can change the shape of the mitigation so that the Town will not be in a position to be too tight on the parking lot.

**Scott Oldham** asked when they anticipate this starting. Mr. Pool replied it depends on the permits with the EPA. They could possibly begin construction next year or it might go into 2015. It depends on how quickly the mitigation goes.

**Dianna Bastin** asked if the Town is going to lose the recycle site. Mr. Pool answered no. However, if Monroe County would purchase the property it would be under a deed restriction for that property only that they wouldn't be able to build anything. It is in a floodway so no one is going to build there anyway. They will not be impacting any of the utilities' site.

**Dan Swafford** asked how much room is at the collection site in the back. Mr. Pool replied they will be able to extend that 12' to 13' before the slope gets too steep. They try to keep it under three to one slope.

**Scott Oldham** asked Mike Farmer if there is a need for the property. Mr. Farmer answered no. Mr. Oldham commented no residents will be bothered by this.

**David Drake** said it sounds like a great idea, he'll be glad to get rid of the sharp curve. Mr. Pool commented they will widen the road to a full 12'. Then they're going to add six feet to one side and a four foot shoulder to the other. They will be removing a bunch of curves.

**Darla Brown** explained she and Bill Williams will discuss this and she will bring something before the Town Council.

**Connie Griffin, Director of Planning**, explained a new definition was added for clarification of weeds and rank vegetation which includes any undesirable and uncultivated plants. This includes vegetation that has been abandoned, neglected, disregarded or not cut, mowed or otherwise removed and has attained a height of nine inches or more. It also includes uncontrolled and uncultivated growth of annual and perennial plants but does not include shrubs, trees, cultivated plants, vegetation planted for a useful or ornamental purpose, or agricultural crops such as hay. In no event shall cultivated plants or crops include plants which have been defined by state statute or administrative rule as being noxious weeds or detrimental plants. It was changed to a Class D ordinance violation which is a \$100 per day fine. The code for repeat offenders was passed at the state level which allows one notice to be posted after a repeat offense has happened. That will blanket the particular property owner and resident for the remaining year. These were code changes from last year. This year they're looking at right-of-ways that are not being cleared. These areas are a nuisance. They are wanting to add under §93 that *"It shall be unlawful for any property owner, representative, tenant or other person with control, occupancy or possession of real property to permit, maintain or allow excessive growth or noxious weeds to exist on such real property within the Town, including the areas between the property lines of the real property and the centerline of any adjacent street or alleys, easements and right-of-ways. No property owner, representative, tenant or other person with control, occupancy or possession of real property within the corporate limits of the town shall allow that real estate to become overgrown with grass, weeds or rank vegetation beyond the height of nine inches or to such an extent that the growth is detrimental to the public health and constitutes a nuisance. Vegetation planted in a specific zoning classification, i.e., Agricultural zoning, is [exempted]."*

The code has been changed to make sure the written notice shall be served as specified in §93.16. The proposed changes are also used by other municipalities. It will help with enforcement, appearance of resident areas and will reduce public nuisances.

**Dianna Bastin** asked what an uncontrolled perennial is. Ms. Griffin replied it may be an uncontrolled height and create a visual issue. Ms. Bastin asked who will decide

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this. Ms. Griffin responded the Street Department decides when something is in the way of a visual triangle and her department does as well. Ms. Bastin asked if it was from a street view and not between properties. Ms. Griffin answered if it's at a sidewalk and someone could hide behind it, it could be a safety issue.

**Scott Oldham** asked how much of a problem this is every year. Ms. Griffin answered they have a lot of problems. A majority of the statistics on code enforcement is tall grass. Mr. Oldham asked how much of a problem uncontrolled perennials are. Ms. Griffin replied they received an ADA complaint about an obstruction for someone putting grass and brush debris in the sidewalk. This will be a new code violation.

**Dianna Bastin** spoke to Ms. Griffin before the meeting about this subject. Her neighbor came to her in tears. She had a letter and the only thing nine inches were the dandelions. The grass wasn't nine inches tall. Her yard was wet because it had been raining. She is looking for a little leeway. This yard has never been a problem. Mr. Oldham commented the staff, being the common people they are, will make common

sense decisions. Ms. Griffin advised she has spoken with her code enforcement officer and mentioned they have to look at prior, current and future weather conditions.

**Phillip Smith** commented he can see where the problem is. He cut his grass and two days later he had dandelions that were tall. Ms. Bastin said the weather needs to play into it. She just doesn't want the Town grasping at straws. Mr. Oldham commented grass being 9" tall is a little excessive. Ms. Griffin reiterated the code adopted last year states grass and weeds that are nine inches are non-compliant.

**Dianna Bastin** reminded everyone that the Street Department employees wear bright yellow shirts and their trucks are bright red. When they are working in the roadway they are providing a service. Speeding past them with inches to spare, not slowing down and not getting over is against the law. These are Town workers. Slow down, get over and stay in your own lane. Give them the room they need to work.

**Scott Oldham** announced Ellettsville Main Street continues to have a series of fundraisers directed at improving downtown and raising money for the Heritage Trail. They have posters around Town and the fundraisers are listed on their website. They desperately need the help.

## **Supervisors Comments**

**Mike Farmer, Ellettsville Utilities**, is requesting permission to hire Jeremy Salyers as a temporary full time employee and he will work until January 1, 2014. Currently, it is a vacancy because another gentleman working who got full time employment.

Scott Oldham entertained a motion to hire Jeremy Salyers for temporary full time for Ellettsville Utilities. Dianna Bastin made a motion to hire Jeremy Salyers for temporary full time for Ellettsville Utilities. David Drake seconded. Roll Call Vote: Scott Oldham – yes; Dan Swafford – yes; Dianna Bastin – yes; and David Drake – yes. Motion carried 4-0.

**Town Marshal Tony Bowlen** is asking the Town Council's approval to hire two new people. They will be paid out of the part-time fund and the money is already appropriated. Mat Lewis will be taking Officer Michael's place in the front office as the desk officer. He will work approximately 28 hours a week. Bennett Anthony Dillon will be a part-time fill in officer to help with short shifts. They both recently graduated from Indiana University and are certified police officers in the State of Indiana.

**Dianna Bastin** is concerned they are giving a person less hours that it doesn't look like they didn't want to pay someone benefits. Ms. Brown replied it doesn't. Marshal Bowlen plans to keep the same office hours but he won't have office hours on

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Wednesday. The hours will be 9:00 a.m. to 12:00 p.m. and 1:00 p.m. to 5:00 p.m. on Monday, Tuesday, Thursday and Friday.

Scott Oldham entertained a motion to hire the two regular part-time officers, Mat Lewis and Bennett Dillon. Phillip Smith made a motion to hire the two regular part-time officers, Mat Lewis and Bennett Dillon. David Drake seconded. Roll Call Vote: Scott Oldham – yes; Dianna Bastin – yes; David Drake – yes and Phillip Smith - yes. Motion carried 4-0.

**Sandra Hash** administered the oath of office to Mat Lewis and Bennett Dillon as Deputy Marshals.

**Sandra Hash** requested permission for Amber Ragle to travel with her to the state called meeting for Clerk-Treasurers from June 9, 2013 through June 13, 2013.

David Drake made a motion to approve Amber Ragle traveling to the Clerk-Treasurer’s meeting from June 9 – 13, 2013. Phillip Smith seconded. Roll Call Vote: Scott Oldham – yes; Dianna Bastin – yes; David Drake – yes and Phillip Smith - yes. Motion carried 4-0.

**Privilege of the Floor**

**Tom Mathison** attended the work session before the Town Council meeting. He certainly thinks the new water line is an excellent idea. He hopes as they work out a funding proposal they will also look at the water rates. Ellettsville water rates are designed in a way that is contrary to the recommendation of the State Water Conservation Plan in that the amount paid per gallon goes down as the usage goes up. The people who use more water pay less per gallon. According to the State Water Conservation Guidelines it should be the opposite. He hopes they will re-examine this when they prepare their proposal and reverse the order. Also he hopes they will look into the issue of how the sewer rates are keyed to the water usage rates. As it stands, the amount is not keyed so much to the number of gallons used as it is to the charge for the gallons. If the charge for water usage is increased, the sewer rates will also be increased. This particular proposal is not going to increase water usage but would increase the sewer rate. He hopes the Town will find a way to adjust this as well so the sewer users are not adversely impacted.

**Privilege of the Floor**

**Scott Oldham announced the annual meeting of the members of the Eastern Richland Sewer Corporation will be held at 7:00 p.m. on June 17, 2013, at the Ellettsville Fire Department.**

**Adjournment**

Scott Oldham entertained a motion to adjourn. Dianna Bastin made a motion to adjourn. Phillip Smith Dan Swafford seconded. Motion carried. Scott Oldham adjourned the meeting at 6:30557 p.m.

<hr/> Scott Oldham, President	<hr/> Dan Swafford, Vice-President
<hr/> Dianna S. Bastin	<hr/> Phillip Smith
<hr/> David Drake	<hr/> Denise Line, Assistant