

## **June 11, 2007**

The Ellettsville, Indiana, Town Council met in regular session on Monday, June 11, 2007, at the Fire Department Training and Conference Room. Dan Swafford called the meeting to order at 7:30 p.m. with Phillip Rogers leading the Pledge of Allegiance and Marion Swindle in prayer.

**Roll Call:** Members present were Dan Swafford, Vice-President; Dianna Bastin, Ted Robertson and Phillip Rogers. Mike Spencer, Attorney and Rick Coppock, Town Engineer were also present. Dennis Williamson and Sandra Hash were absent. Marion Swindle took the minutes.

**Supervisors Present:** Jim Davis, Jim Ragle, Jay Humphrey, Jeff Farmer, Mike Farmer and Frank Nierzwicki were present.

### **Approval of the minutes**

Dianna Bastin made a motion to approve the minutes of the Regular Meeting May 29, 2007 and the Executive Session June 6, 2007. Phillip Rogers seconded. Motion carried.

### **Action to Pay Accounts Payable Vouchers**

Dianna Bastin made a motion to pay Accounts Payable Vouchers. Phillip Rogers seconded. Motion carried.

### **First Reading**

#### **Ellettsville Comprehensive Plan/Thoroughfare Update**

Frank Nierzwicki, Director of Planning Services presented an update on the Comprehensive Plan/Thoroughfare Plan; recommended for approval by the Plan Commission. He pointed out the last few pages of this plan were the updates to the Thoroughfare Plan.

### **Old Business**

#### **Agreement between the Town and H.J. Umbaugh & Associates concerning Preliminary Water and Sewage Rate Analysis**

**Mike Farmer**, Ellettsville Utilities stated he did not think anything changed since the last meeting. Mike Spencer corrected him to say “it has changed since last meeting” and he accepts the changes. Exhibit B, schedule of hourly fees for professional services was added.

Phillip Rogers made a motion we accept the Agreement between the Town and H.J. Umbaugh & Associates concerning Preliminary Water and Sewage Rate Analysis. Dianna Bastin seconded. Motion carried. Roll call vote: Dan Swafford – yes; Dianna Bastin – yes; Ted Robertson – yes; Phillip Rogers – yes. Motion carried.

### **New Business**

#### **Proposal to place an FM antenna on the McNeely Street water tower by WFHB, Bloomington Community Radio**

**Jeffrey Morris**, Engineer and a founding member of WFHB Community Radio presented a proposal to install an FM translator on the McNeely Water Tower. This would consist of a few small antennas and some electronics. He explained how the transmissions work. Their main purpose is to expand their coverage. Mr. Morris spoke with Randy Cassady and understands there are presently some restrictions with the water tower. He is working with Randy Cassady on an agreement to lift the restrictions. Mr. Morris would like the Town to consider the proposal due to a deadline.

Dan Swafford clarified with Mike Spencer there is a deed restriction and the Town can not do anything about it. Mr. Morris apologized for not having everything complete at this time and knows this can not be approved this evening but wanted to introduce it to the Council. During Mr. Morris’ conversations with Randy Cassady he was very positive with the idea of changing the restrictions with the water tower and allowing other users for revenue. Dan Swafford stated this will be tabled until the next meeting but opened the floor for Council and public comments.

Ted Robertson asked how strong the signal will be. Mr. Morris explained this is only 38 watts and went into more details of how the signal works. Ted asked about the antenna in Bloomington. Mr. Morris gave a summary on the Bloomington antenna for radio station 98.1, which is also a translator. He added they are working with Brown County Utilities for another antenna. They are restricted by Channel 6 and FCC rules and regulations. Art Hayes asked about the frequency interfering with satellite receivers or receptions. Mr. Morris reiterated this is only 38 watts, 106.3 MHz and not a problem with other communications or satellites. Satellite television has a very high frequency. He explained a band pass filter is installed to let only that frequency out. Spurious radiation is filtered out; required by the FCC. Art Hayes asked about the liability. Mr. Morris stated the antenna is not very large and they contract a professional, insured installer.

Dan Swafford announced this will be tabled until the next meeting giving Mr. Morris an opportunity to get the documents from Randy Cassady.

### **Redevelopment Update**

**Frank Nierzwicki** stated the Redevelopment Commission approved the redevelopment area on May 31, 2007. The approved redevelopment area will be taken to the Plan Commission August 2<sup>nd</sup>. The Plan Commission will not be meeting in July but they will continue to work on getting information out on any possible rezones that may occur or thought about by the Plan Commission. After the Plan Commission's approval, it is taken to the Town Council for review and approval then back to the Redevelopment Commission for final approval.

### **Public Comments**

**Art Hayes** asked Dan Swafford if he was acting President because he wants to know who authorized the paving of Kenny's Tavern parking lot by Town employees. Dan believes this was authorized last year and asked Town Attorney Mike Spencer; who did not recall. Dianna Bastin asked about the paving also and was told this was an agreement that was made owing Kenny's a paving job. Dianna asked Mike Farmer to comment and explain. Art Hayes requested to see the written agreement. He feels the "good old boys system" can be used to have work done using Town money. The Town has a parking lot and Kenny's is private property.

Mike Farmer explained the paving was promised to rehab all the excavating work on Kenny's property during the INDOT project several years ago. Mike Farmer outlined all the work that took place at that time. All the underground utilities in the area including the sewer that runs down the alley running east west between the back of all the buildings facing Sale Street and Kenny's property was replaced. A water line was put across the front of the parking lot running parallel to the sidewalk on Main Street. The conduit was laid to someday bring down all the power lines running to Town Hall building but this has not been done due to lack of funds. There was a "verbal agreement"; Kenny allowed them to complete the work. This was not a "good old boy system" but an advantage to the Town. The Town did not have to purchase easements or have time delays. The INDOT project was hurried and right behind the utilities in all work. A lot of the project was done on site and day to day. The parking lot should have been fixed a year or two ago and he appreciates what Kenny has done for the Town of Ellettsville. Mike pointed out the parking lot has been utilized by Town employees for years and Kenny has never asked for money or complained. He has always been a good neighbor. What the Town did was right and justified based on the INDOT project.

**Art Hayes** said there has to be agreements when the Street Department does the work. Verbal agreements do not work. He questioned the cost of the paving and Dan Swafford said it will be looked in to. Art discussed a proposal in the early 80's from INDOT for a bypass around Ellettsville. The three member Council, at the time, turned it down. He suggested there be written agreements and work orders. We don't need to spend this kind of money without a reason. As far as parking cars and town vehicles on a private lot he suggested we park in the town's parking lot across the street.

**Adjournment**

Dianna Bastin made a motion we adjourn. Phillip Rogers seconded. Motion carried. Dan Swafford adjourned the meeting at 7:53 p.m.

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Dennis Williamson, President

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Daniel Swafford, Vice-President

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Dianna S. Bastin

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Ted Robertson

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Phillip D. Rogers

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Sandra C. Hash, Clerk-Treasurer