

June 23, 1997

The Ellettsville, Indiana, Town Council met in regular session at 7:30 p.m., Monday, June 23, 1997. Member's present were Michael Cornman, President, Geraldine McIntyre, Vice President, and Patrick Stoffers. Mr. Cornman called the meeting to order.

COMMENTS:

None

MINUTES AND CLAIMS:

Geraldine McIntyre made a motion to approve the minutes and claims. Pat Stoffers seconded. Motion passed 3-0.

OLD BUSINESS:

NEW WATER TANK:

Rick Coppock informed the Council, PDM from Pittsburgh is proceeding with the project. The only issue still to be resolved is the antenna for the top of the tank. Rick is going to request information from GTE or Cellularone for information. They are working on the water line portion doing a lot of line locations and proceeding ahead.

NEW BUSINESS:

CHANGE ORDERS FOR ELLETTSVILLE WWTP FACILITY:

Gary Miller presented 2 change orders. The change order B-5 has been passed it just needs signatures. B-5 has 2 requests.

RFP #B-10 Administration/Lab Building Ceiling, HVAC and Electrical Revisions  
RFP #B-14 Mixed Liquor Suspended Solids (MLSS) Analyzer.

The total cost for both these items will be \$14,333.00.

Change Order B-06 needs acted upon. It was discussed at the last meeting.

RFP #B-15 Landscaping

RFP #B-16 D.O. & Ph. Analyzing Additions to Wastewater Samplers

RFP #B-17 Laboratory Equipment

Reynolds Wage Rate Increase (due to the holding of their bid for several months while the Town secured SRF financing). This would adjust their contract to the new rates at that time.

The total cost for these four items is \$66,538.00.

With the inclusion of 5 and 6 the new contract price with Reynolds will be \$6,503,477.00 that raises from the original price of \$6,259,000.00. Gary asked that the Council keep in mind that there will be deducts coming back on a lot of this stuff.

Mike Cornman asked if the Council had any questions for Gary on anything that was previously discussed. Pat Stoffers asked if Gary could walk him through the changes in the wage rates. Gary pointed to the last page of the Change Order. He read a note at the bottom of the page "Please note Reynolds must pay the higher wage between the Union wage and the Project Wage Scales." There are eight classifications of laborers. For carpenter the original rate was \$23.89, and the union rate was \$22.20, the bid rate was \$23.89, revised rate \$22.20, the revised union rate \$24.66, and the wage paid was

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\$24.66. Which was a difference of \$.77. Multiply that times the man hours they used and you will have the total cost figure. Mike Cornman asked if the prevailing wage scale was the union wage? He thought that once it was set it was set. Gary said no that was not the union wage, that was the state wage. Sandy Hash commented she had not received any new guide line since the project had started, she could see there has been a raise, but no new guide lines. Rick Coppock explained that the wage guideline we received at the beginning of the project are the guide lines they should be using for the wage increase. When we started the project with the SRF funding the state specifically said there will be an adjustment in the wage rates based on the wage rates at the time of the signing of the contract. Mike asked if they are being paid these wages now. Gary Miller replied he was not here to check the certified payroll. Rick Coppock the wages should be influenced by the wage rate received at the beginning of the project. Sandy stated she has seen an increase in the wage of laborer, but she is unsure on the amount of the increase. She has not received any notification of a guideline increase. Gary asked if there were any other questions? Being none, Mike asked is there a motion one way or the other for Change Order B-06. Geraldine stated a concern for the number of trees. Pat Stoffers said just in observance, we were out there today and there are woods around the whole place. He does not understand why we are putting trees in when there are woods all around the place out there. Geraldine does not understand why we are putting 65 trees. When it is all be graded off 30 trees would be plenty, even the flowering trees. You have all those trees surrounding it and the additional trees would just be for decoration. She feels \$8,000.00 is too high for trees. Rick Coppock informed the Council that we have to put something out there because of the County Ordinance, it could be pine trees if you want. Gary Miller said the majority of the trees were pine or spruce, only 17 trees are dogwood, and 48 are spruce or pine. The RFP was prepared with the plan that is attached to the RFP, which is what he thinks was used to get approval from the County Plan Commission. Rick said it was actually sent to the County when they were trying to get a grant to put the trees in, but something happened and the grant fell through.

Mike asked for the thoughts of the Council, do they want to delete part of the provisions out of this change order in the motion. Would they like to just put up evergreens? Geraldine asked how Mike feels about it. He replied he thinks everything is just fine the way it proposed in the Change Order. It will look nice and the people of the community would like to see a lot of trees in that neighborhood and he would like to comply with that. Pat Stoffers ask Gary Miller if B-6 contains all three, 15, 16, and 17? Gary responded, yes plus the wage increase.

Pat Stoffers made the motion to adopt Change Order B-06. Geraldine said she will second it against her better judgment. Motion passed 3-0.

Randy Cassady asked to make a public comment. B-6 include the landscaping and the wage increase. He pointed out the reason for request: The landscaping shown was required to obtain project approval for the Monroe County Planning Commission and Board of Zoning Appeals. He feels this is not true. On November 22, 1994 when permission was granted item #6 that Ellettsville was contained to states, evergreen trees screen a double row staggered sporadic fast growing evergreens be planted around the perimeter of the operational area in order to further diminish the visibility of the operational area from the adjacent parcels and maintained by the Town of Ellettsville. He feels they were not concerned about heights they were concerned that they were planted, making the \$7800 above and beyond what the County ask for. As for the wage increase, is the Town of Ellettsville required by contract to pay the wage increase? Randy stated there are no union shops at the building site and the electrician's wage is \$4.50 too high. Randy asked why are we increasing the wage if the wage has not changed since the project started and why are we paying union wage if there are no union workers? If it is not in the contract he does not feel the Town should pay it. He reemphasized we should use the common wage set by the State of Indiana not the union wage, because they are not using union labor, and he ask is the full amount is being past on to the men. By law they must pay the common wage rate, they do not have to pay the union amount.

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Rick Coppock told the Council this wage rate difference started at the beginning of the project. It did not just come down last week or last month with the change order. When they got the SRF fund the contractor was required to pay the difference between the Federal Wage rate at the time and the State prevailing wage rate that was in effect when we bid the project according to the bid specifications. That was the basis for the wage rate increase. That is how we figured it on the interceptor sewer and he is sure this is figured the same way. That is what it is about, not changes this month or last month, but from the time the project was initiated. It came from the state, maybe in the first correspondence where they awarded the Town the SRF wages.

Rick said Ellettsville is obligated to pay the difference between the Federal wages and the State wages at the time the contract was bid. That is what the wage rate is about.

Randy feels the contract is entered into for a set amount in the bid. The contractor should be responsible for any increase incurred during the contract not the Town. The change orders are discretionary at the owners or Town's position.

Rick replied this did not come from the contractor, it came from the SRF funding people.

Mike Cornman ask if the Council had any comments about what has been brought out here? Geraldine asked for the wage scale that was in effect when we got the SRF fund. Mike suggested the certified payroll be verified against the wage scale.

Randy ask if the change order was approved. Mike responded yes unless the Council wants to motion to amend at this time.

Geraldine asked about the tree grant that Monroe County has tried to get to help on the trees at the new sewer plant. Mike said we opted not to pursue the grant because it was in competing with other grants. We were trying to get the SRF.

Gary Miller said he was going with the plan he received with the request for trees. Maybe we should reevaluate the number of trees needed. They do not want to put out any more than needed. Mike said he agrees. Geraldine feels 65 trees is a lot of trees when the plant has a nice background setting of trees all around. Rick said he believes the Planning Commission only ask for a double row of trees 20 feet off center around the perimeter of the plant. Mike agreed we should find the exact amount of trees needed, and then amend the amount.

Rick suggested we use the change as a deduct.

ORDINANCE 97-9 ORDINANCE TO TRANSFER MONIES FROM CASH RESERVE FUND TO GENERAL FUND ON THE RECORDS OF THE ELLETTSVILLE WATER AND SEWER UTILITIES OF THE ELLETTSVILLE TOWN CODE:

Mike Cornman read the Ordinance and requested a motion for the first reading of Ordinance 97-9. Geraldine McIntyre so moved. Pat Stoffers seconded. Motion passed 3-0 for the first reading.

EXTENSION OF OAK STREET:

Geraldine McIntyre, as secretary of the Planning and Zoning, told the Council they read the letters from Mike Spencer and Barry Brown and there is a street that goes back there, but it has never been dedicated to the Town of Ellettsville that they can find. They accepted the plat when Mr. Sinard's daughter built there, so they referred it back to the Council. Mike ask what is the question? Geraldine said, the Plan Commission sent it back to the Council because we think this is something that Mr. Sinard and Mr. Childers should work out together, and bring it back to the Planning and Zoning. There is an easement but the street is not dedicated to the Town. Mike asked when this was accepted June 23, 1997 Ellettsville Town Council minutes continued

as a final plat did we not take the street in. Geraldine replied no, they went through the Planning records and found that it is not dedicated to the Town. Jim Ragle does not do upkeep or snow removal on this easement. This is why Mr. Sinard and Mr. Childers have to work this out together. As far as we know Mr. Sinard owns the lane, it is not an extension of Oak Street. Shannon Childers addressed the Council reading from a letter prepared by Mike Spencer, dated June 3, 1997, to the Ellettsville Plan Commission as follows: "This subdivision was accepted by the Town Council on February 14, 1994. According to the subdivision, there is a 35-foot wide road and utility easement that essentially extends northwest of Oak Street. The plat does not describe this easement as an extension of Oak Street, however, it does describe the easement is available to the public for use. I am not convinced, however, that this is an extension of Oak Street since it is not so named in the plat." Mr. Childers feel he should not have to pay Mr. Sinard to use that road because it was accepted in the plat as a public easement. Otherwise you are going to land lock me as well as the fellow who lives at the end of that driveway. You will land lock us if we do not enter into some kind of money agreement with Mr. Sinard over a little road the Planning has already accepted for public use. If it is already accepted as public use why should we enter into an agreement with Mr. Sinard on payment. Geraldine said as long as we do not have it on record as a public street then he still owns it even though it is an easement. It is not a public street. Mr. Childers said, but it is a public easement. Geraldine said, for utilities, it only goes to his daughters and the house he is going to build back there eventually. Mr. Childers said it also goes back to James Arnet's property. He uses it as his driveway and assumed at first that he owned it. According to the plat it is for public easement. I do not care it is not dedicated to the Town. I just want to know that we can run up and down that road. That I can sell that piece of ground. Geraldine said not until it goes through the Planning and Zoning and made a public throughway, a public street. We would have to accept it into Town. Mike Spencer said, I think we have to be careful here and my letter makes it clear it is not a Town street, there is an easement, and as best as I can tell it is a public easement. It is not the Town who can tell you if you can use that easement or not. We do not own it. It is not our property. It just appears to be a public easement. So in some ways the dispute still remains between you and Mr. Sinard, because I assume he is taking the position it is not a public easement. So if you start using it you will have to deal with him. Mr. Childers asked, so as far as the Town goes you will not stop us from using it or stop us from getting a building permit. Mike Spencer replied, it is not our business to stop you from using the easement, it is the Boards position whether or not to issue the permit. Mike Cornman asked, to do that does it have to be on a platted subdivision or lot? Mike asked Childers if it was a subdivision. He replied, no it is only a single house. Mike asked if the land has been subdivided. Childers said no his is not subdividing. Mike stated before you can build a house it has to be subdivided, correct? Childers said no it is a separate piece of ground, and they just want to put a house on it. Mike Cornman asked Jim Davis, to get a building permit all they have to do is apply at this point, and is there anything the Town or Plan Commission needs to do. Jim said, no, it is in Sharps Subdivision as an out lot, it has been platted, and all he has to do is apply.

Mike said as far as the Council goes it will stand as is with no action from the Council.

#### CHRISTMAS DECORATIONS:

LeAnn Freeman informed the Council that the people in Ellettsville have shown a desire to have the Town decorated for Christmas. Jim Ragle had asked for help raising money and selecting the decorations. LeAnn Freeman, Rane Mounce, Rachel Peden, and Missy Mobley formed a committee and started looking at lights. They have been overwhelmed with the choices. Maurice Endwright has also given his input on the choices, and they would like to have some decorations year round. They would like a canopy of white lights on Sale Street. They like white so it can be used for the Fall Festival also. They are trying to put Seasons Greetings by Smithville Telephone Co. and Richland Plaza. Mike Cornman asked how much money has been donated? LeAnn thinks it is about \$5,000. Rane Mounce said they had talked to several companies. Christmas Visions  
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leases their decorations, for \$3,800 annually they furnish the decorations, put them up, repair, store, and remove the decoration at the end of the season. They are going to ask the people who donated the money if they want to purchase or lease. Mike Cornman asked if this would be a fee every year. LeAnn said yes, but this would give us different decorations every year and the first year we would get a free Santa for the stage, a value of \$1400. If we purchase it would be \$4,000 to \$7,000 and the decorations would always be the same. LeAnn said their goal is to raise \$10,000, and if they did not use it all they would put it in the bank and save it for next year. They are open to all suggestion. Rane said another idea is to have the sponsors names on the pole with the decoration they purchased. Randy Cassady he has been involved with Christmas lighting for a long time, and what they are talking about as far as longevity and continuation of the community leasing works out real well. The problem with purchasing decorations is the storage and winter degradation due to the work load of the individual putting them out and taking them down it takes a longer period, they are out longer. With leasing they stay nicer longer. They still have to be replaced every 4 or 5 years. Mike Cornman said the Council is faced with the problem of binding themselves with the expense of \$3800 each year. The Council would have to think about this. Rane said they are not asking the Town to give money for the decorations. The Town has held the donations and they are just asking permission to spend the money. Geraldine commented that it sounded like the same amount of money that had been spent on the past decorations that were destroyed under the stage by a flood, and if they put up and take down the decoration that would save the Street Department's man hours. She feels the girls are on the right track. Jim Ragle reaffirmed that the decoration would be provided by donations and the Town would not have to contribute money toward the decorations. It was discussed that they could get a purchase order to meet the June 30<sup>th</sup> deadline for a price break, since it was too late to issue a check and the next meeting will be July 14.

Mike Cornman asked for a motion to allocate the money for the Town decorations? Geraldine McIntyre said so moved. Pat Stoffers seconded. Motion passed 3-0.

#### AREA 10/RURAL TRANSIT REQUEST TO PLACE REPEATER ON TOWN TOWER AT LOUDEN ROAD:

David Trueblood told the Council they would like to improve their communication. Therefore they are asking permission to place a repeater on the Town's tower on Loudon Road. They are buying all new equipment and need someplace to put the repeater. He has talked to Jim Davis and he has no objections. Jim Davis has only one request, that they use B & L Communications so it will be installed correctly and will not interfere with the Town's frequencies. David talked with B & L to get a price and they would also install the equipment. Mike asked if there should be a fee for the use of the tower or should we waive that. Area 10 now has their repeater for a forestry tower at no charge. They pay \$75 a month to rent the equipment. There was a discussion of the charges for the station at station 8. They coequally share the cost of the tower with the other users. Jim Davis stated the only expense was insurance and electricity. Mike Spencer said we have an agreement on the other tower that specifies the issue of responsibility in case of damage. Mike Cornman said we should move ahead in a positive fashion and come together with some type of agreement similar to what we have had in the past. Jim Davis said the agreement at station 8 states each party will take care of their own. Council is in favor of Area 10 using the tower. Randy Cassady suggested separate electric meters.

#### NOTIFICATION OF MOVING THE ELLETTSVILLE STONE SIGN ON THE EAST SIDE OF TOWN:

Mike Cornman informed the Council that with the widening of highway 46 the Town of Ellettsville sign will have to be moved. There is not enough room to move the sign back onto Monroe County Bank property. So we need a place to move the sign. They will move it for us. Geraldine suggested in front of Springs Valley. The Town owns 10' of

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Right A Way along the highway. Randy Cassady said CFC owned the property in front of the duplex. Mike read from REMARKS "We need the Town of Ellettsville to release its leasehold interest in 0.208 of an acre we are buying from Monroe County Bank for highway improvements to SR 46 & Union Valley Road. The Town of Ellettsville sign sits on that .208 acres and will have to be relocated. The State of Indiana is offering \$1968.00, the statement of just compensation, a land plat showing the land being acquired, plan sheet #25, land acquisitions brochure, and a private appraisal letter." Mike said we have 5 days to return this agreement.

Mike asked for a motion to approve this offer from the State of Indiana. Geraldine made the motion that we accept it, the offer. When do we have to move it. Mike answered just before they start so we have some time. Pat Stoffers seconded. Motion passed 3-0.

#### ARROWPOINT DETENTION POND:

Geraldine told the Council it came up before the Planning and Zoning Board at the last meeting and they referred it to the Town Council. At one time Herb Ray, Geraldine, the Sutherlens, their engineer and the Towns engineer looked at the detention pond and came to an agreement. Then it went from bad to worse. It ended up that our engineer and

JR Lane's attorney would get together and form a solution to the problem. It never came back to the Council or Planning and Zoning so we do not know what was agreed upon. The day we met out there, there was to be a holding pond. I checked it out today and there is a swell about one third of the size that should be there. Maybe Mr. Lane could fill us in on what happened between his attorney and the engineers. The minutes state they were going to meet with Jeff Fanyo and they were going to amend the plan, but it has never come back to the Planning and Zoning. Mike Cornman asked if it come back to the Council. Geraldine replied no. Verbia Sutherlen said yes it did. Geraldine asked when, the minutes Geraldine read were January 1996. Verbia gave a hand out to each Council member and the Deputy Clerk. She said it was a copy of the minutes and a speech she had prepared. A copy of Mrs. Sutherlens letter is on file in the Arrowpoint file. Mrs. Sutherlen gave her option on the detention pond in question. She pointed out to the Council that the Arrowpoint subdivision was final platted and recorded and entered for taxation on April 15, 1994. Since April of 1994 the Sutherlens have received 3 threatening letters from 3 different attorneys contracted by Mr. Lane. She

went on to say there have been several different plans drawn up. The first plan was the one put before the Planning Board and approved for the subdivision. The second plan that was drawn up involved Rick Coppock and the Sutherlens Engineer. Then the third plan that she presented before the Council, the Town Engineer, Mr. Lanes Engineer, and, the Sutherlens Engineer looked at the site, made a plan, and approved the plan. When the plan was presented to the Council Mr. Lane was not happy with the plan. The plan she presented to the Council was drawn up by the Town Engineer, which is the one they went with, and the one she feels Mr. Lane and his Attorney Mr. Coyne agreed on. It called for a 24 inch tube for Mr. Lanes Driveway. The Sutherlens purchased the tube, but did not install it, for fear of further disapproval from Mr. Lane. Mrs. Sutherlen researched the Town Council meeting minutes, and since June 13, 1994 through May 12, 1997 the Arrowpoint - Arrowhead has been before the Council 17 times. She requests portions of these minutes be read into the minutes to refresh what has taken place in the past. They are as follows:

Pages 1743 & 1744 July 10, 1995

#### ARROWPOINT DETENTION POND IMPROVEMENT-RICK COPPOCK:

Rick said JR Lane called the other day and asked what was going on with the improvements out there. Rick showed the Council the plan that JR and Melvin had seen and that is the last he heard about it. Rick said this was kind of mutual to get both parties to agree to work on it. Rick said by no means do the Sutherlen's have to, they already

have a plan that was approved by the Board. Melvin said you have approved one plan. There was discussion of this matter. The Clerk had the dated copy of the plan that was approved. There was more discussion of this. Rick has a plan that he worked up on his own to get both sides to agree and has a place for everybody to sign and agree on then bring it to the Board to look at and see if they approve this plan. There was more discussion. Doug asked, where do we stand now. Rick said where we stand now is the other plan was approved and that is the one that is supposed to be constructed. Mike Cornman said but it has not been constructed. Herb said that plan has been approve. Doug said 11-14-94. Melvin said he has been so wet and they can put it in now. There was more discussion. Doug said could you guys maybe meet with JR, at least you Rick, work out something and have some sort of solution by the next meeting.

Page 1748 July 24, 1995

ARROWPOINT DETENTION POND IMPROVEMENTS-RICK COPPOCK:

Rick stated JR and Melvin decided they would go with the revised plan, which Rick drew up. Rick said that Melvin is going to buy 20 feet of 24 inch pipe for JR's driveway and just give it to him, and JR is going to take care of having it put in. Rick said this is acceptable with JR Lane, he talked to him today. Rick stated everybody is in agreement if the plan is okay with them and they can go ahead and get going on it. Rick said this is the same plan as the last meeting and what they did is just take the pipe back further, bermed the berm down, put some rip rap at the end of the pipe and graded out that area between the fence and the berm and pond and drop some pipe over there for JR to put under his driveway and it is up to him to install that. The Town Board is in agreement with the plan as revised. Rick said this takes place of the old plan.

Page 1761 August 14, 1995

FLOODING IN ARROWHEAD:

JR suggested to the Council to eliminate a lot of the flooding in Arrowhead addition if we could get that levee built back on the Walcot property. Mike Cornman talked to the violation division of DNR, she said there is a pond there, and he said no, there is not. Mike said they still show in their book as having a pond, and Mike said it was cut out several years ago. That is one of the areas DNR is going to check on.

DETENTION POND ARROWHEAD-JR LANE:

JR wanted to know the status on the Arrowpoint detention pond. Rick said the Town Board approved the plan that you had seen, and they were going to supply you with the pipe for it and build it as per that plan. JR said he approved that plan. JR was over there today and examined it himself. JR wanted to know if Rick had inspected it. Rick said no. JR said they were supposed to remove 24 foot of pipe and they only removed 16. There was more discussion of this matter. Rick will take a look at it.

Verbia continued to say they have completed and made the changes that were agreed upon in the July 1-, July 23, and August 10, 1995 meetings. On July 28, 1995 they purchased a 24 inch correlated pipe and had it delivered to Mr. Lane. The pipe has never been installed under the driveway. She presented a statement, dated June 23, 1997, from Raymond Graham, her Engineer, that said "Per calculations based on field data, the retention basin located on the westerly end of Blackfoot Drive has more area than required for storage." Verbia said the work is completed according to the plan that was agreed to by Mr. Lane, Melvin & herself, and the Town Council via the Town Engineer. She has three threatening letters from three different lawyers. It has been before the Town Council seventeen times in three years. There have been three different plans from three different engineering firms. She feels it is time for this to come to an end. She told Mr. Lane if this does not end she will pursue legal action against him.

Mr. Lane requested a copy of her letter. She gave him a copy. JR then addressed the Council. He feels that Rick is aware of what has gone on. The detention pond has never been completed. That is the reason the pipe has not been installed. Rick has the

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drawings of what has been approved. He has talked to both Rick and Jeff and they admitted to him that it was not completed, they had the bond money to complete it. He will be happy to install the pipe when they have completed the detention pond.

Mike Cornman asked Rick Coppock if the detention pond was done. Rick said the last time he looked at it there still needed to be some work done on the rip rap. There still needed to be some cleaning along the fence line. As he recalls the rip rap needed to be about 2 feet lower, there was some ponding water, and mosquitoes. That is about where it all fell apart last time. Mike Cornman said the he and Pat Stoffers looked at it that day and there was standing water. What needs to be done to get that corrected? Melvin Sutherlen said there is the detention pond, and then there is were they cleaned out by the fence and the tube. That was just a plus. It holds back the water, it did not really have to be there. We put it in later and that is where the water pools. It does not do it in the detention pond it does it in the end of the tube. Verbia said it was put there because (she pointed to the map). JR Lane asked Rick to explain it to the Board since he drew the plans. Rick said the last thing he recalls was the rip rap should have been two feet deep at the fence line, instead of spread out like this ( he also pointed to the map). Verbia said it showed 12 inch diameter rip rap check dam. Rick agreed, and said what he was talking about was the 2 feet from the fence where the rip rap was should be filled in with rip rap. Rick said then the discussion turned to, if you did this it was designed like this so the water would fall out and would dissipate the velocity before it came across here (pointing to the map). That is where they ended at. So the question last time whether to dig it out an additional 2 feet deep, fill this up with rip rap, and allow water to pond in there or do something else, like grad it into each side so it would not hold water.

Verbia then asked, according to the minutes of the meeting and according to what I read this is the plan that was agreed upon right? Rick responded, yes. Verbia said, we have already done this area, isn't that correct? That is where the water is ponding that they are talking about. Rick said, yea but it is not ponding quite that deep. Verbia said so the only thing we have not done according to this plan is put the rip rap in, more rip rap than what is already there? Rick said he does not know about this depth, if it was 2 feet or not, but he thinks the rip rap came out to the fence. Verbia asked, so is that the bottom of contention, the depth of this little second holding pond here? If we are going to have more problems over this they will go back to the original plan that was approved. She wants to know, so she can get this over with tonight. She wants to know what she has to do to make this man happy and to get him off her back and get her and him both off the back of the Town Council or she is going to an attorney. She is tired of it. It has been going on since 1994 and three years is long enough. Geraldine said when she was out there with Herb Ray, Melvin Sutherlen, and Rick Coppock you had the pond up on the top, right? Verbia replied, the pond has never been moved. Geraldine said it is not as big now as it was then, but we do not know what happened between your Attorney, JR, and the Engineer. It was agreed at that time that from Thomas Road, the ditch along there where the trees and brush are, would be cleared out. Verbia said no it was not, you suggested it but nobody agreed with you. Geraldine said the young man Mr. Graham had out there said it would be no problem to clean that out. You agreed to cut off the concrete thing, put in the rip rap, and clean out the brush and little trees in the ditch. Rick Coppock said it shows 40 feet on each side of the pipe be cleared out. Geraldine and Verbia could not agree on this point. Mike Cornman said so the question is if the rip rap is 2 feet or not just before it gets to the existing fence, if that is taken care of then JR will put the pipe in. JR Lane said we did not agreed to clean those trees out along there. All he has ever asked for is for it to be built according to the plan presented to the Council. It is supposed to be 40 feet on each side of that concrete pipe. It was never excavated out 40 feet or the full width. The excavation is only half complete. That is why he has not been able to install the pipe. JR said Rick drew the plan so he is familiar with it, and he knows Rick is not the City inspector, but he is representing the Council. Mike said from what he saw it looked like it had been taken care of, at least at one time, it was grown up, either the Council agrees that it has been done or it has not been done. Rick showed the Council the last agricultural they did of it, January 23, 1996. They all looked over the map. There was a discussion about the fence, property line, the excavation, how it holds  
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water or does not hold water, the size it should be, the size of the one above it. JR said it should be 80 feet by 20 feet. Verbia said she would just have to get out the bulldozer and take it to the property line instead of the fence line. JR said he just wants it built according to the plan. Randy Cassady suggested there be an independent inspector look at it that does not have any ties to anybody. Geraldine said before we start another subdivision we need to look into having an independent inspector. JR said if Rick does not want to take the responsibility of seeing that it is built according to plans maybe they should hire another inspector. He thought Rick represented the Town. Rick said he does not inspect the subdivisions. Mike Cornman said he does not do the inspections, that is correct. JR said then maybe we need an inspector. Randy Cassady said get an independent inspector and have him check the plans. It is either built right according to prints or it is not. Verbia said it is not exactly the shape, the depth, every little 6 inches, but the idea is to retain water in the best way possible as far as I am concerned. The point is you do not built anything with exact precision. It is a lot easier to put it on paper than it is to go out there and look at the lay of the land. A detention pond has to be where it is so that the water collecting off of the house down here east of it will come in here and run into the retention basin, but we had to put it far enough off the fence line which is not the property line so that could happen. If you move it any further you are not going to be catching any of the water that is coming down there. So instead of just putting it on paper, looking at it and saying this is the way it has to be or else, you have to go out there look at the lay of the land and say this is the way it looks on paper, but it won't work, it has to be done like this, or this will work better, or this will encompass more good points, more pros than cons. Mike Cornman said he does not know enough about excavation, rip rap, or depth to make a decision. He asked the Council do they feel at this point about making a decision or not making a decision, to continue on, or have an outside inspector, which will cost the Town money, and he does not think it should. Geraldine said that is why we ask them to work it out. We have already paid Bynum and Fanyo \$900 this year on the detention pond. Geraldine made the statement at one of the meetings that we not pay any more, it would be between JR and the Sutherlens to get the dispute settled. Geraldine does not feel we should hire another inspector to go out there. Rick said there is the ag chart you can get the scale off that and see if it is built, it is right there, it has not changed a whole lot since then. Geraldine feels there is no need to hire another inspector. Rick did the plan, he should go back out there, he works for the Town as the Town Engineer, he should go back out there and see that it is done right. If it is not then ask the Sutherlens to straighten it out and get this whole mess straightened up. Pat Stoffers said after looking at it, he is no engineer and he does not pretend that he is, it was so grown up he could not tell one way or another trying to look down in there. I would be in favor of Rick going back out. It is either done right or it is not. If it is not then the corrections just need to be made and we do not need to hear about it anymore. Mike said Rick himself is not the engineer for the Town it is Bynum, Fanyo, and Associates, and they assign him to Ellettsville. So we should have Bynum, Fanyo, and Associates go back out and decide whether it is put in right or not. They are the ones who do almost all of the engineering work for the Town. Geraldine asked if there were any problems with that. A response from the audience was no. Geraldine then asked if we have to pay them to go back out there? Mike Spencer spoke up with yes, that is between you and your engineers, of course, if you want them to do the work for you then you have to pay them. Rick Coppock said all he has to do is look at the plan he does not have to go back out there, just compare it to the other plan. JR said I think Rick is right, I think it will be a very minimal charge, the plan is there and I am sure Melvin and Verbia can read the plan, I can read it, Rick can read it. They can take the plan and build the thing. You only have to make one trip to go up and inspect it and see if it is built according to the plan.

Mike Cornman said, to Rick, you have heard the majority of the Council to see if this is built right or not and report back to the Council. Rick agreed.

Verbia said according to what? Mike said according to the plan that was adopted, what was the date on that one plan. Verbia said that plan was never adopted by the Town

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Council. Geraldine reaffirmed what she said at the beginning of the debate. It never came back to the Council after Rick when out there and after JR and Jeff Fanyo met. Verbia said the minutes she read was when it was brought back to the Council but it was never adopted by the Council because Mr. Lane brought up a problem each time. The plan that was actually adopted, approved, and accepted by the Town Council was the plan that was put through when the subdivision was put through the Planning Board. So you need to decide which plan you want Rick to go out there and see if it is like. Verbia then said when you make up your mind let me know, right now I am going home. Pat Stoffers said excuse me do you want this resolved. Verbia said I would love to have this resolved. She said 17 times I have been here and it has never been resolved, and 17 times I have had to defend myself and I am tired of doing it. JR Lane said the plan we are talking about is the plan you have in your hand and all parties have agreed to it. Verbia said it has never been accepted by the Town Council.

Mike Cornman said, this plan, if it is truly an amendment to the plat does it not have to go back to the Plan Commission for approval or is it something the Town Council can just say you'll have to do your drainage another way. We are doing this in good faith which may not be the legal way. In good faith we offer our engineering firm to be the go between for this. Mike Spencer said the draw back to that position is that you go back to the original plan. Verbia said we did comply with the original plan but a tube was too long. She continued to say after that there was one change then another and we kept trying to please everybody until now nothing is right. Mike Spencer said then he understood that the parties got together and came up with the final plan which is the third plan. I would think that the parties would want to see if it complies with the third plan and go from there. Because that is what all the parties apparently had an agreement on. He feels that is an equitable position for everybody to take. It just seems to be the sensible way of doing it. Resolve it based upon the third plan. Mike Cornman asked if the Council was in agreement with that, to base it on the third plan? Geraldine said if that will make everybody happy she will go along with that. Rick said he will check the third plan against the actual site plan at no cost, the whole thing is to get something that works. Verbia read the number from the plan sheet as 419203.

#### EDGEWOOD BAND REQUEST USE OF WATER AT ELEMENTARY FOR CAR WASH ON JULY 12, 1997 (RAIN DATE JULY 19):

Sandy Hash explained that the Fire Department made a special adapter to fit on a fire hydrant, which allows the use of several garden hoses for washing cars. The band students have pledge sheets for so much money per car. Then on the day of the car wash it is free, but all donations will be accepted.

Mike Cornman asked for a motion the band to use the water at the Elementary School. Pat Stoffers said so moved. Geraldine seconded. Motion passed 3-0.

#### COMMENTS:

Erica Banner who lives at 831 Chandler has a concern about the property that adjoins the back of her property, which is the drainage area for the proposed apartments to be built. Earlier this year, about March, a piece of heavy equipment dug it out and now the clay is holding the water worse than it ever has before, and the mosquitoes are bad. I was wondering if something was going to be done about that soon. Randy Cassady being the owner of the property in question responded by saying that a neighbor across the street plugged the drain hole with concrete. So we are in a legal situation now trying to resolve that. The hole was dug based on engineering proposal to try to find drainage in a seam. We dug two holes 18 feet deep trying to find that seam and it is not there. As far as mowing it is hard to mow because of the water. I will do my best to get it that opened. He said he could bring a pump in there and pump the water out. He will take a look and it and have it sprayed for mosquitoes.

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Randy Cassady request the Council to put a committee together to negotiate a proposal for the plan for the water tower and bring a recommendation back to the full Council.

To try to avoid the condemnation situation. Mike Cornman said he would do that and talk to all the other Council members and by the end of the week he would have a committee for him. We all understand that this is on a fast track and we need to move ahead. It is going to be a lot of work, to make sure we address everything, before the next Council meeting if that is something we want to accomplish it by. The gentlemen who is doing this wants to start the foundation next week, and Randy has a little problem with that.

Mike Cornman said the CSX railroad is proposing abandonment of the railroad line that runs from Wicks Lumber to Hunter’s Path, that runs behind Station 8. There is concern mainly from the Bloomington community that they not abandoned the railroad, for future development especially the industrial users. North West Park wanted to expand the rails and Wicks Lumber still uses the rail to receive their shipments. Mike would like to work with business to try to keep the railroad open.

Geraldine told the Council about a committee that has been formed to find a physician for the Ellettsville community. The committee includes Jeannie Kapsinski, Helen Ennis, Dan Rogers, Colin McCarty, and Geraldine McIntyre. They have a meeting Wednesday afternoon at Town Hall with Doctor Nice, from the Unity Group in Bloomington. She will inform the Council at the next meeting on the progress of the committee.

ADJOURNMENT:

Mike ask for a motion to adjourn. Pat Stoffers said so moved. Mike Cornman seconded. Motion passed 3-0.

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Michael D. Cornman  
President

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D. Gerald McIntyre  
Vice President

\_\_\_\_\_  
Donald Ashley

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Patrick Stoffers

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Gina M. Hawkins

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Sandra C. Hash  
Deputy Clerk-Treasurer