

June 9, 1997

The Ellettsville, Indiana, Town Council met in regular session at 7:30 p.m., Monday, June 9, 1997. Members present were Michael Cornman, President, Geraldine McIntyre, Vice President, Patrick Stoffers and Donald Ashley. Mr. Cornman called the meeting to order. Donald Ashley gave the prayer.

COMMENTS:

Darlene Sowder lives at 114 W. Temperance and her business on West Temperance and she wants to talk about the flooding on Vine Street yesterday. She said it looked like the water was coming over where they kind of built it up and it caved it down and the water was coming across and she was wondering if that could be replastered up?

Jim Ragle said it has to be all the way down because it was coming behind the old bait shop and every way. Most of it was coming from behind the bait shop and that area there.

Jim said it would have to be built from there clear to-Darlene said so it was backing up he clear from Vine Street there? Jim said yes.

Mike Cornman asked Jim if he could go check it and see if it needs mending and we can put it back? Jim said he will look at it.

Darlene said if we can't dredge it deeper we have got to build up the sides. There was more discussion on this matter.

Mike Cornman said as far as a response to the question the Corp. of Engineers did the original study, it was released in 95. They are doing a second study, he was told about a month ago that they are still actively working on it. When they get that study done, the intent of the Council was to look a head toward Build Indiana money to facilitate their recommendations about how to address the flooding situation. There has been remedial action taken on both inflow and infiltration as well as putting in a retention area next to the fire station, which did seem to help the water flow there. The retention area is next to the fire station in the field there. Mike said the water usually comes rushing down through there and goes to the Elementary School, crosses over the highway. Other than building up more, which is more or less what the first Corp. of Engineers study suggested that we do. We can't do anything without that kind of money, it was a large sum of money, he understands.

Mike Cornman asked Jeff Farmer if he knew how many inches of rain we got. Jeff told him Rick has it in his computer.

Geraldine said from Saturday afternoon her rain gauge had 2 ¾ inches. This was from 2:00 Saturday until 10:30 a.m. Sunday.

There was more discussion on the flooding.

Randy Cassady told the Council he owes a great deal of thanks to Jim Ragle for coming out on Sunday and allowing them to get sand bags to put around their business on Highway 46.

There was more discussion on the flooding.

Mike Cornman told Randy the person to talk to at DNR is John Simpson.

After more discussion on the flooding problem Darlene Sowder wanted to make one more comment about them (DNR) saving the fish. Darlene said someone made the comment yesterday they are going to save the fish and lose some lives. Because if a little kid would ever fall into the rapidly moving creek, we would lose the kid or an adult. When she saw the police cars down here yesterday she thought maybe somebody had gone in the creek. She doesn't think it would be too far fetched that it could happen, that somebody's vehicle could wash away in that and we could actually have loss of lives and save the fish. Human lives are more important than the fish.

MINUTES AND CLAIMS:

Mike Cornman asked for approval for minutes and claims. Geraldine McIntyre so moved. Donald Ashley seconded. Motion passed 4-0.

OLD BUSINESS:

NEW WATER TANK:

Mike Spencer said he thinks that Council should know that they met with Randy about purchasing the property that he owns, they didn't come to any conclusions at that point and time. Mike Spencer said based upon Randys demands they have contacted H.J.Umbaugh to work on rates we can charge for hook-ons. They are going to look at that. He has also talked to Carol Semen who is with Cook Inc. and with Rick Coppock. Rick had indicated that they (Cook Inc.) had anticipated having the land by June. Mike Spencer is asking the Council tonight that pending negotiations that you authorize him to issue a notice offer to Randy so they can get their time frame started in the event they can't come to a negotiated agreement. They are under a time limit restraint because of the need by Cook to get that tank up and operating by the end of December. If we don't get that started they won't make the deadlines. Their engineer is very anxious about getting started. They have had the property appraised and it appraised at a little over \$7,000, he doesn't remember the specific amount. Mike Spencer is asking that the Council authorize him to issue the notice to Randy indicating that we are formally offering that amount and it gives Randy 25 days for him to accept or reject. If he rejects then we are able to initiate the condemnation action.

Mike Cornman said okay, based on Mike's suggestion he recommends to the Council that we authorize the attorney to proceed on this that he has prescribed. Mike Cornman said is there a motion to do so? Donald Ashley said he would make a motion to do that. Patrick Stoffers seconded. Mike Cornman asked if there are any questions?

Randy Cassady said he had a couple statements, the land situation is between Ellettsville and himself and Cook has a deadline they have to meet. Randy said he has indicated to Mike and Mike that he is not interested in the money, he would just as soon trade. Do something that would not cost the town any cash. That is the situation to address the whole board, all Council, or individually and explain where he is at. On the stand point of the tower he has some mixed feelings for what he has planed for up there as far as what its impact will be. They need it for the employment bases for the new sterilization process. But when he is looking at the project individually, a water tower is not exactly the best thing to put right there by some up scaled units. If the units were there now it would have less of an impact but since the tower will be there prior to, he would have to look at that. That's why he would just as soon do something that would be mutually beneficial for everybody and not expend the Town's money given where we are at on the stand point financially. He is assuming this-----it will start condemnation proceedings?

Mike Cornman said the process is allowable by law. Randy said yes, it is condemnation. Mike Spencer said that is not exactly right, it gives you the notice, it starts our time frame so that in 25 days we can initiate the condemnation proceedings. It does not start the condemnation proceedings it starts a time frame. Mike Spencer said as far as he is concerned we are still ----- to work with you on that, he just wants to get the time frames going because he was thinking we had until December but he forgot we have to build the thing, they need to get started.

Mike Cornman said our stand point is merely from the legal point of you and we have all intentions of still trying to work out negotiations and put this all----- on a certain time frame. Randy said right it is going to have to be built by the time frame. There was more discussion.

Randy said he is concerned for him and his partners stand point on that particular project. Mike Cornman said make sure you understand where we are coming from at this point, from this particular vote, which ever way it goes here. Randy said you are going to need to make sure it happens by December.

Mike Cornman asked if there are any other questions? There is a motion and second on the floor. Motion passed 4-0.

SRF CLAIM:

Mike Cornman said we have a SRF claim here. Request 37 to Reynolds, Inc. for \$443,386.00, Request 38 to R.W. Armstrong for \$11,860.00, and Request 39 Bynum Fanyo for \$11,702.00. For a total of \$456,849.00.

Mike Cornman asked if there is a motion to accept this claim? Geraldine McIntyre so moved. Patrick Stoffers seconded. Motion passed 4-0.

NEW BUSINESS:

CHANGE ORDERS FOR ELLETTSVILLE WWTP FACILITY:

Gary Miller of R.W. Armstrong gave the Council an update on change orders that will be coming before them soon. Gary has 3 items to talk about.

One we talked about last meeting, the landscaping, you wanted information on. This landscaping was a change that you needed to get approval from the County. There was a discussion on this. Patrick Stoffers said we would be better off just using SRF money. Mike Cornman told Gary to put it in the change order.

Gary said we have a couple RFP's that we have approved a couple meetings ago and he wants to get the ones we have tonight and incorporate them into one change order. It will be change order #5.

The next one is the lab equipment RFP. This is for lab equipment and supplies for the plant, this was requested by the town to be included in the SRF funds, to stock the new lab with the required equipment and instruments to do all the testing, such as beakers, test tubes, etc. This equipment was not included in the original plant design phase, it was an oversight. With this will be a deduct of \$1,100 due to a change in cabinet design, which brings the total down to \$21,417.

The third change is RFP 16, which is a piece of equipment to add to the samplers to test for dissolved oxygen as it comes into the plant and as it leaves the plant, and to test the ph levels. Total price is \$10,543, which includes both influent and effluent sample. These will be tied into the computer system to get readings. Jeff Farmer stated the State requires us to record the ph levels on influent and effluent which this will do.

One more item was discussed, was when Reynolds gave the original bid, they held the bid for so long that it was agreed that at some point a wage increase on labor would have to be implemented. They have to use the higher wage rate between union rates and project wage scales. Gary said we knew this would be coming, but it was never really broken down and now it is. The total will be \$26,734.

The council and audience further discussed these change orders. Jeff Farmer also advised that with this new system alarms will be in place. If anything goes wrong the alarm will go to his beeper and he will be made aware of the problem immediately.

Gary Miller said the next meeting he will bring the change orders to the council. It was discussed on how to present these, and decided that they would be put into change order 5 and change order 6.

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:

Tabled

SUPPLEMENTAL FIRE SERVICE AGREEMENT:

Mike Cornman said this is an agreement that the Town provide fire protection to Richland Township. For \$242,523 in cash and \$27,910 credit for the Ellettsville’s purchase of the Township’s equity in the 1991 fire truck and 1986 fire truck that the Township helped purchase. Mike Cornman recommended to the Council that we approve the supplemental fire service agreement between the Town and the Township. Geraldine McIntyre so moved. Patrick Stoffers seconded. Motion passed 3 for and 1 abstention, Mike Cornman.

RESOLUTION 6-97-TRANSFER OF FUNDS:

Mike Cornman read Resolution 6-97. Mike Cornman asked if there is a motion to pass Resolution 6-97? Geraldine McIntyre so moved. Patrick Stoffers seconded. Motion passed 4-0.

COMMENTS:

MONROE COUNTY SOLID WASTE:

Geraldine McIntyre said at the last board meeting of the Monroe County Solid Waste they laid down liner and opened up a new part of the land fill. They called it Mount Connley because of John Connley who is retireing. They dedicated it to him.

ADJOURNMENT:

Mike Cornman asked if there is a motion to adjourn. Geraldine McIntyre so moved. Mike Cornman seconded. Motion passed 4-0.

Michael D. Cornman
President

D. Gerald McIntyre
Vice President

Donald Ashley

Patrick Stoffers

Gina M. Hawkins

Diana K. Evans
Clerk-Treasurer