

March 12, 2007

The Ellettsville, Indiana, Town Council met in regular session on Monday, March 12, 2007, at the Fire Department Training and Conference Room. Dennis Williamson called the meeting to order at 7:30 p.m. leading in prayer and the Pledge of Allegiance.

Roll Call: Members present were Dennis Williamson, President; Dianna Bastin, Ted Robertson and Phillip Rogers. Sandra Hash, Clerk Treasurer; Mike Spencer, Attorney and Rick Coppock, Town Engineer were also present. Dan Swafford was on vacation.

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

Approval of the minutes

Dianna Bastin made a motion to approve the minutes for the Regular Meeting February 26, 2007 and the Executive Session of February 27, 2007. Phillip Rogers seconded. Motion carried.

Action to Pay Accounts Payable Vouchers

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

Capacity Certification Requests

Meadowland Section Seven request capacity certification for 8,680 gallons per day

Rick Coppock, Bynum Fanyo and Associates requested sanitary capacity certification for the Meadowlands. The developer is required to have this sewer certification before applying for a construction permit with IDEM. This letter will certify the Town has capacity in the treatment plant and collection system to accept the flow from his development. The plant is at 62% capacity.

Dianna Bastin made a motion that we approve the Meadowlands Section Seven request for capacity certification for 8,680 gallons per day. Phillip Rogers seconded. Motion carried.

The following discussion took place before the vote was taken

Dennis Williamson asked what are the numbers used to figure the units. Rick explained IDEM has a minimum 310 gallons per day for a 3 bedroom apartment unit or single family house when actually 250 gallons are used. Ted Robertson inquired about the capacity being at 62%. Is that on a good day and does it fluctuate? Rick said 62% is an average flow but on rainy and high flow days the percentage is higher. The Town monitors the lines to keep infiltration, inflow and breaks repaired to keep stormwater out of the system.

Sherry Hayes was told by a prior Town Board member the same developer making this request was running ground water into the sewage system but that has since been corrected. What assurances are we going to have so this developer will not do this again? Rick Coppock has not heard this. The Utilities Department provides daily inspections during construction of these projects. As part of the IDEM permit process, pressure tests are required and someone from the Town is there when the tests are preformed to make sure the lines do not leak. Ted asked if there are inspections to make sure sumpumps are not going into the sanitary sewers and is this ever a problem. Rick Coppock answered this is part of the building permit inspection process. This was a problem in times past.

Stoneview Residential Community request for capacity certification for 17,980 gallons per day

Rick Coppock explained this is a 58 unit development on McNeely Street by the water tower. The calculations are based on the same method as above. The certification is needed for a construction permit from IDEM. Tom Forester is the developer.

Dianna Bastin made a motion that we approve Stoneview Residential Community request capacity certification for 17,980 gallons per day. Phillip Rogers second. Motion carried.

Edgewood Village Homes Phase III request capacity certification for 930 gallons per day

Sandra Hash stated the request was e-mailed to office. There was no representation for this request. Jeff Farmer announced the plant does have the capacity to take on 930 gallons.

Dianna Bastin made a motion to approve Edgewood Village Homes Phase III request capacity certification for 930 gallons per day. Phillip Rogers seconded. Motion carried.

The following discussion took place before the vote was taken

Jeff Farmer added the Town videos all new installations after they are completed and back filled to make sure nothing has caved in, leaking or illegally connected.

Russ Ryle, Reeves Road resident asked where Phase III is located and why there is only a 930 gallon capacity. Phillip Rogers thought the developer may only be building three units at a time. Russ Ryle then asked what the rated capacity of our current sewer system is. Jeff Farmer answered the plant is designed for 2.3 million gallons per day. We are currently at 62%, which is last year's figure based on 10 inches more rain than a normal year. Taking the average of dry and wet months we are at about 55% capacity. The state requires when you approach 80% to start developing a plan for the future.

Ordinances on First Reading

Ordinance 07-02 to amend Ordinance 06-25 fixing of the Salaries for Budget Year 2007

Sandra Hash explained this is an ordinance to change a few items but no dollar amounts:

- The 16 hour a week restriction is removed under Code Enforcement Officer in both the Planning and Police sections
- Temporary Part Time will be added under the Planning section
- Changing the term "Temporary Part-time" to "Temporary Full-time" under the Utility section to coincide with the Personnel Policy

Ordinance on Second Reading

Ordinance 07-01 to amend Ordinance 06-25 fixing the Salaries for Budget Year 2007

Sandra explained this was a correction on Longevity. There were two longevity amounts carried over from 2006 that were paid in 2006 and one was omitted. This was budgeted correctly.

Dianna Bastin made a motion to approve Ordinance 07-01. Phillip Rogers seconded. Motion carried.

New Business

Request for a two-lot subdivision (Wever Property Depot Road)

Frank Nierzwicki, Director of Planning Services presented a two-lot subdivision (Wever Property at 314 Depot Road). The petitioner is requesting approval to subdivide one parcel 009-27660-03 into two parcels. The parcel in question is approximately 3.85 acres in size. The petitioner is requesting one parcel to be 3.35 acres and the remaining is half an acre. The smaller of the two proposed parcels would meet the Town's minimum lot size requirement. The smaller parcel is served by a private drive and would not require any Town improvements. The Planning Staff does not have any objections. The Plan Commission approved this during their March meeting. He stated the map and legal description, attached to the memo, will be used for the plat.

Dianna Bastin made a motion we approve the request for a two-lot subdivision otherwise known as the Wever Property on Depot Road. Phillip Rogers seconded. Motion carried.

The following discussion took place before the vote was taken

Ted Robertson asked what the general reason for a subdivision is. Frank Nierzwicki explained a property owner has the right to subdivide if they wish. From a planning perspective, the smaller of the two lots, half acre, is bigger than the Town's minimum requirement. There will be a family living on each parcel.

With the passing of this, Frank Nierzwicki will sign off on the plat next week and deliver it to the Town Council President and Sandra Hash for their signatures.

Stoneview Residential Community PUD Amendment (McNeely Street)

Frank Nierzwicki stated the petitioner is requesting a PUD amendment to his proposed development, Stoneview Residential Community. This parcel was originally approved by the Plan Commission as a PUD under the name of Chandler Place in January of 1995.

- Chandler Place PUD had 88 apartment units (68 two bedroom and 20 one bedroom). The size of the parcel is approximately 9 acres giving the unit density of 9.78 per acre. The Stoneview Residential Community is requesting 56 three bedroom condominiums giving the proposed development a density of 6.22 per acre
- The petitioner is also proposing a buffer of raised mounds between McNeely and Kelli Heights subdivision
- He met with Town Supervisors in a review session and there were no problems with the proposed development
- Concerns with access road to condos; private street being maintained by Homeowners' Association
- Petitioner will construct a sidewalk the length of property along McNeely
- Issues with drainage; discussed and determined new proposal should help decrease the current drainage problem in the area

This was approved by the Plan Commission at the last meeting.

Dianna Bastin made a motion we approve Stoneview Residential Community PUD Amendment on McNeely Street. Phillip Rogers seconded. Motion carried.

The following discussion took place before the vote was taken

Ted Robertson asked if there was any problem with the water tower being so close and will it be fenced in. Rick Coppock stated the Town talked about fencing the water tower before but there was never an issue. This type of water tower does not have the legs like the older structures so it can not be climbed and has a secured locked door. Ted then asked why we are acting on this now when it started in 1995. Rick explained the original developer sold the property. The new developer, pending approval, has a contract to buy and develop the property. The new developer has changed the plan to a different style of buildings and layout.

Dianna Bastin was at the Plan Commission meeting and stated "there was not a question left unasked".

Sherry Hayes asked if there was some public property in the area, behind Kelli Heights, that was vacated by the developer. Sandra answered there is a pond that sometimes holds water but it was never dedicated for a public area. Sherry Hayes has the concern of water drainage into the adjacent yards. Dianna reiterated all this was discussed at the Plan Commission meeting with Rick Coppock drawing and pointing out water flows on the map. The area Sherry Hayes is asking about has been taken care of. Sherry Hayes is concerned about the residents adjacent to the area that did not attend the meetings or watch them on television. Sandra clarified the adjacent neighbors were sent certified letters and only one attended the meeting. The Plan Commission discussed the drainage issues.

Agreement for Service between the Metropolitan Planning Organization and the Town of Ellettsville

Frank Nierzwicki presented the agreement between the Bloomington Area Metropolitan Planning Organization (MPO) and the Town of Ellettsville. Mike Spencer has reviewed this and questioned section 4 of the agreement "The MPO reserves the right to terminate its obligations under this Agreement without notice or liability to Consultant at its sole

discretion upon thirty (30) days written notice to Consultant”. Frank spoke with the City of Bloomington who commented “the Town can change this to say both parties can terminate the agreement with thirty (30) day notice”. He gave a copy of this change to Mike Spencer and Dennis Williamson. Frank summarized the background on the MPO. Bloomington MPO has a work program every year and receives Federal funding in the MPO area which includes Ellettsville. Funds can be used for projects with money available for construction projects. Construction projects come under the review of the Transportation Improvement Program (TIP) which conducts studies such as Traffic Counting. Ellettsville was able to get money set aside last year for use this fiscal year ending June 30, 2007 on:

- Master Thoroughfare Plan
- Traffic Counting and Equipment
- Infrastructure Management Plan

The MPO funding reimbursement is an 80-20 match (80% Federal and 20% local). For all work completed “in house” the match is up front and in the budget.

Dianna Bastin made a motion to approve the Agreement for Services between the Metropolitan Planning Organization and the Town of Ellettsville. Phillip Rogers seconded. Motion carried.

The following discussion took place before the vote was taken

Sandra Hash asked which budget line the 20% match will be dedicated from. Frank Nierzwicki explained town employees would be doing the work. It was understood town employees’ time would be our 20% match. Frank explained there would be “no cost”, per se, because this had already been budgeted for employees salaries.

Stewart York commented the Governor mandated this 25 years ago and why are we just getting to it? Frank Nierzwicki stated “you have to be 50,000 to be considered a metropolitan area”. In the 2000 census, the density between Ellettsville and Bloomington was such that we are now included as part of the MPO area.

Business not on the agenda

Dennis Williamson received a letter from the Monroe County Election Board requesting use of Fire Station 7 for the Primary and Fall Election; Richland Wards 1 & 8.

Dianna Bastin made a motion we approve the Ellettsville Fire Station meeting area as a polling place for Richland 1 & 8. Phillip Rogers seconded. Motion carried.

Supervisors Comments

Frank Nierzwicki announced he will be on vacation March 13 – 15. He has a training session Friday, March 16 in Carmel on Economic Development issues. March 21 he will be in Indianapolis attending the Indiana Association of Cities and Towns Redevelopment Association.

The Council wished Jeff Farmer and Jim Ragle a Happy Birthday.

Sandra Hash and Amber will be attending some training in Muncie at Ball State University Tuesday and Wednesday of this week. The classes are through the International League of Municipal Clerks and Treasurers where Sandra is working on her Master Certification and Amber is working on her Certified Municipal Clerk.

Jeff Farmer expressed appreciation on behalf of Coach Brown and the Edgewood High School basketball team and thanked everyone for wearing Mustang shirts this evening. He could not do justice on what it meant to the ballplayers with the community’s support and out pouring. The Police and Fire Departments were magnificent after both the Sectionals and last game. The ballplayers were touched and very moved.

Public Comments

Winfield (Dick) Jacobs, resident 609 S. Sale Street believes the Town has a problem. He summarized the problem: 37 years ago he built his home on the corner of Thomas and Reeves Road. He was annexed into the Town at that point. Since that period of time there have been curbs put in but not in front of his home. In the winter time, the sand and gravel creates a problem in his yard. He asked if sidewalks could be put in and he would like to help. The sidewalks and curb would make the water flow over the hill instead of flooding around his property. He has never asked to have the ditches cleaned out but they are presently higher than his roof on the Thomas Road side. He would like the Town Board to give some consideration to adding curbs to keep the sand and gravel off his property and he would like the ditches cleaned out. Dennis Williamson will have the Town Board liaison look at this with the Street Commissioner.

Dianna Bastin is proud to honor the basketball team this evening.

Dennis Williamson announced this is Girl Scout week. He also stated he read in the paper Mike Hendricks is retiring from the Police Department but will be staying on as Police Chaplain. He reiterated how proud the Town is of the basketball team.

Adjournment

Dianna Bastin made a motion we adjourn. Phillip Rogers seconded. Motion carried. Dennis Williamson adjourned the meeting at 8:14 p.m.

Dennis Williamson, President

Daniel Swafford, Vice-President

Dianna S. Bastin

Ted Robertson

Phillip D. Rogers

Sandra C. Hash, Clerk-Treasurer