

March 23, 2009

The Ellettsville, Indiana, Town Council met for a Regular Meeting on Monday, March 23, 2009, at the Fire Department Training and Conference Room. Dianna Bastin called the meeting to order at 7:30 p.m. with the Pledge of Allegiance. Phillip Smith led in prayer.

Roll Call: Members present were Dianna Bastin, President; David Drake, Vice-President; Scott Oldham, Phillip Smith and Dan Swafford. Sandra Hash, Clerk-Treasurer; Mike Spencer, Town Attorney and Rick Coppock, Town Engineer were present.

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

Approval of Minutes

Dianna Bastin entertained a motion for the approval of the minutes for the regular meeting March 9, 2009. Scott Oldham so moved. Dan Swafford seconded. Motion carried.

Accounts Payable Vouchers

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

Resolutions

Resolution 07-09 Local Additional Appropriation of I-69 Grant Reimbursement

Sandra Hash explained this will be the standard procedure as we submit reimbursement requests to the State. Sandra will have to ask for permission, when the money is received, to put it back into the appropriation. This reimbursement is for \$1,464.74 going into the Planning/Zoning Administrator 1-2-112. Dan asked how much of the original grant of \$50,000 has been used. Sandra will have the balance at the next meeting.

David Drake made a motion we adopt Resolution 07-09. Dan Swafford seconded. Motion carried.

Ordinances on First Reading

Ordinance 09-07 to amend Chapter 52 of the Ellettsville Town Code concerning definitions

Ordinance 09-08 to amend Chapter 92 of the Ellettsville Town Code concerning Streets and Sidewalks

Ordinance 09-09 to amend Chapter 93 of the Ellettsville Town Code concerning disease control

Ordinance 09-10 to amend Chapter 94 of the Ellettsville Town Code concerning abandoned vehicles

Ordinance 09-11 to amend Chapter 152.142 through 152.228 of the Ellettsville Town Code concerning signs

Ordinance 09-12 to amend Chapter 152.255 through 152.264 of the Ellettsville Town Code concerning signs

Dianna Bastin stated all the above Ordinances are not ready and need to be tabled.

Ordinance on Second Reading

Ordinance 09-05 to create a separate fund for Water Storage Tank Maintenance

Dianna Bastin stated Mike Farmer explained this ordinance in detail at the last Council meeting. Money received from tower rental will be put into an account for maintenance.

Phillip Smith made a motion we accept Ordinance 09-05 to create a separate fund for Water Storage Tank Maintenance. David Drake seconded. Roll call vote: Dianna Bastin – yes; David Drake – yes; Scott Oldham – yes; Phillip Smith – yes; Dan Swafford – yes. Motion carried 5-0.

Ordinance 09-06 to amend various sections of Chapter 50 of the Ellettsville Town Code concerning Water and Sewer Service Charges

Dianna Bastin stated Mike Farmer went over the charges at the last meeting. The entire ordinance is available at Town Hall if anyone would like to read it.

David Drake made a motion we adopt Ordinance 09-06. Dan Swafford seconded. Roll call vote: Dianna Bastin – yes; David Drake – yes; Scott Oldham – yes; Phillip Smith – yes; Dan Swafford – yes. Motion carried 5-0.

New Business

Richland Bean Blossom Youth Sports request street closure for Opening Day Ceremony Friday May 1st from 5:00 p.m. until 9:00 p.m. and Saturday, May 2nd from 8:00 a.m. until 5:00 p.m.

Sandra Hash announced the representative from RBB Youth Sports was not able to make the meeting this evening. This is the same annual request for opening day of the ball season and they are requesting closure of Park Street, Ritter Street and Turtleback. In the past, Tony Bowlen and Jim Davis have given their approval and put up barricades. Dianna clarified Park Street will be closed at Turtleback up to Ritter Street. Jim Ragle will put the barricades up.

Dianna Bastin entertained a motion to allow the Richland Bean Blossom Sports persons to close the streets on May 1st and May 2nd. Dan Swafford so moved. David Drake seconded. Motion carried.

Acceptance of Flow Letter for Eastern Richland Sewer Corporation

Steve Brehob of Smith Neubecker and Associates, representing Eastern Richland Sewer Corporation is requesting to pass the certification letter for a sanitary sewer project. The project will entail relocating a portion of an existing sanitary main. There will be no new connections added as part of this project. Even though there are no new connections being made, a construction permit must still be obtained from the Indiana Department of Environmental Management because the existing sewer line is not being put back in the exact place. The reason for moving the sewer line is because the current area is a source of high infiltration. Moving the line further away from the creek and reconstructing the sanitary sewer in that area will reduce inflow. Rick Coppock has looked at this and there are no problems with the relocation. Dan asked where the location of this project is. Mr. Brehob said it is at a location where the existing line crosses under the old railroad bridge. Over time the creek banks have eroded back so much that the man holes on the sewer line are at the edge of the creek. Portions of the pipes are exposed. There will be about five man holes and 400 feet of 15 inch pipe being replaced.

David Drake made a motion to approve the Capacity Certification Allocation letter for Eastern Richland's sewer project. Dan Swafford seconded. Roll call vote: Dianna Bastin – yes; David Drake – yes; Scott Oldham – yes; Phillip Smith – yes; Dan Swafford – yes. Motion carried 5-0.

May 1, 2009 Implementation of Sewer Ordinance

Mike Farmer, Ellettsville Utilities explained there was an ordinance, setting sewer rates, which were previously passed. He is asking for permission to implement the new sewer rates on the May 1st billing for our sewer customers.

Dianna Bastin entertained a motion for implementation of sewer ordinance. Dan Swafford so moved. Dianna Bastin seconded. Roll call vote: Dianna Bastin – yes; David Drake – yes; Scott Oldham – yes; Phillip Smith – yes; Dan Swafford – yes. Motion carried 5-0.

The following discussion took place before the vote

Dan Swafford asked Mike Farmer to explain this ordinance. Mike explained a sewer ordinance was previously passed setting the rates and charges for the Town's sewer customers. The rates are being raised because the Utilities Department needs the revenue. Approving this now, will give the customers plenty of notice of the May bill having the rate increase. The rate increase will include the wholesale customers too. Mike Farmer

will meet with Eastern and Northern this week to work out any last minute details establishing the rates. Mike Spencer asked if the June bill will reflect the rate increase. Mike Farmer said “the actual rate increase will be reflected on the June bill but it will be the May usage”.

Ed Bitner understood the bills were paid two months in the arrears meaning what you use in April would be read in May and then paid in June. Mike Farmer said the increase will be the June bill that will be read in May. Mike Farmer further explained the reading cycle starts on the first of the month to the 24th of the month. It will vary due to weather. Everyone is on a 30 day cycle.

May 1, 2009 Implementation of Billing Service Fees

Mike Farmer explained the Utilities Department conducts billing services for Northern and Eastern. He is asking for approval to implement fees the Utilities Department has set.

Dianna Bastin entertained a motion. Scott Oldham so moved. Dan Swafford seconded. Roll call vote: Dianna Bastin – yes; David Drake – yes; Scott Oldham – yes; Phillip Smith – yes; Dan Swafford – yes. Motion carried 5-0.

The following discussion took place before the vote

Dan Swafford clarified these are the billing fees we have been discussing during the past few meetings; nothing has changed. Mike Farmer said “yes, it is what you have seen on paper”. They will receive their first bill in June for the May services. Mike Farmer stated the Town is a member of the Indiana Utility Regulatory Commission “only for water”. The wholesale customers will have to get their rates approved through the IURC because of the type of corporation they are as opposed to the Town being a municipality. Dan asked what will happen if the approval takes longer than June 1. Mike Farmer answered it should be a “tracker”; automatically approved in 30 days. David Drake thought when the Council passes an ordinance; it automatically has an effective date for the implementation of the ordinance. Did we not have one with these particular ordinances? Sandra explained it was published (March 11) after the last Council meeting with the final vote and then it is usually thirty days after publication. This one will be published twice, as a courtesy. Mike Farmer explained the Town has been working, in good faith, with Eastern and Northern; giving them time to review all the paperwork. This was a rate increase extension for Eastern and Northern but now we need to move forward.

Supervisors Comments

Mike Farmer, Ellettsville Utilities announced the Indiana Rural Water Association is a state organization that provides training. They will be holding their spring convention in Columbus, Indiana. CEU(s) for operators’ licenses are available at this training. Mike is asking for permission to travel with some of the employees (Brian Miller and George Webb) to obtain the CEU(s) necessary to keep their operators licenses. The cost is \$80 for two days of training. There will be another one May 20th in Huntingburg. This one will be demonstrations and exhibitions where five CEU (s) are obtainable. The cost will be \$25 per person. The Council did not see any problem with either trip.

Jeff Farmer, Edgewood High School Basketball thanked the Police and Fire Departments for the escort back into Town after the Sectional Championship. It means a lot to the team.

Sandra Hash received a fax from the Citizen Action Coalition. They will be going door to door, canvassing, from 4 p.m. to 9 p.m. beginning March 23rd until the end of July. Sandra will give the Police Department a list of names.

Sandra Hash received a 1782 Notice today from the Department of Local Government Finance (the people who give the final approval for the entire state tax rates). It is her understanding the legislature passed an additional “homestead credit” this year, reducing the assessed valuation. The County lost \$800 million in assessed valuation and Ellettsville lost \$28 million. This reduced property values due to the true market values and the economy had a domino effect that impacted our budgets losing miscellaneous revenue. The 1782 Notice is a guideline that tells how much the Town is approved for miscellaneous revenue and budget. Both the General Fund and MVH Budgets have been cut. The revenue in the

General Fund was reduced by \$105,000 and the MVH by \$34,000. The 1782 Notice has a disclaimer that states “this does not reflect the circuit breaker situation; that in no way is calculated into the levy”. Our County Option Income Tax was reduced by \$40,000. The General Fund and MVH budgets have “mandatorily” been reduced by the State. Sandra has worked for the Town since 1992 and this is the first time we have ever had a reduction. The General Fund, MVH and the Parks currently have “zero” operating balances causing Sandra to start temporary loans from other funds. The temporary loans will reduce interest income for the year. Dianna Bastin pointed out the Town still has funds to borrow from and return. Sandra stated “in the General Fund, she put a hefty operating balance in when I advertised and was within \$15 of the maximum levy which is pretty good considering we lost \$28 million on the AV”. She also stated we were approved for our levy appeal; she asked for \$60,000 and they reduced that to \$55,260.

Privilege of the Floor

Larry Barker, Executive Director from Monroe County Solid Waste Management District announced the April Bulky Item Day Drop Off. This will be conducted at the fairgrounds April 3rd and 4th. There are flyers at every regional sight. They highly encourage the citizens of the community to participate. Earth Day is March 28th between 8:30 p.m. and 9:30 p.m.

Ed Bitner, Main Street resident, read in last weeks Journal “call for the requirement of an occupant or of any premises and the owner of an unoccupied premises to keep the sidewalks in front of or adjacent to the premises cleared to allow safe and reasonable travel on said sidewalk within 24 hours after a snow, ice has ceased to fall or in anyway accumulated so as is practical and reasonable”. Ed Bitner brought this up because, in the last few years, there was a homeowner in Indiana was brought up on code violations and brought to court for this. The sidewalks in this case were owned by a municipality and the man won his case. The sidewalks in front of Ed’s house are owned by the State but he clears them as a courtesy. Ed suggested the Town change the code before passing out citations for this violation. Dianna stated all the ordinances for code changes were tabled this evening. Sandra explained when this was discussed at the Plan Commission level, it was called “practical and reasonable” for those who could take care of the snow. There will be elderly people who can not. Dianna stated the “language” will need to be reviewed in the final ordinance before passing anything.

Ed Bitner commented about the Plan Commissions recommendation requiring no zoning changes but allowing residences and businesses located with the Heritage Crossing Redevelopment area to petition the Plan Commission to voluntarily change their zoning to meet proposed zoning until December 31, 2009 without a rezoning fee. Does this mean he can rezone his property C-2 or C-3? Dianna recommended Ed speak with Frank during regular business hours.

Ed Bitner stated that since this is a municipality and state funded with tax dollars; they have rules and ordinances on “ghost employment” meaning you can not “double dip”. Ed works at IU and has noticed there is an Ellettsville Town employee that also teaches at one of the buildings on campus. Ed researched this and found when this employee works more than 85 hours he is paid overtime. He asked “is he taking time off (not on that 85 hours) to teach these classes”? If he is, that is fine but if he is on the clock is IU paying Ellettsville instead of this employee. If IU is paying the employee then it is “ghost employment” and reasonable terms for termination. Scott Oldham, the liaison for that department, stated this is a personnel matter that we will not discuss in an open forum and Mr. Bitner can file a complaint at which time Scott Oldham will respond to.

Ed Bitner stated 2010 is election time for the Town board and he announced his candidacy for the Town board.

Council Comments

Dianna Bastin is proud of the Edgewood Basketball team and all the athletes that have done a wonderful job this year. She wished Bloomington South the best of luck.

Scott Oldham congratulated the Edgewood Marching Band who went to Ireland and appeared on the Today Show. They worked hard and did a fantastic job.

Adjournment

David Drake made a motion we adjourn. Scott Oldham seconded. Motion carried.
Dianna Bastin adjourned the meeting at 8:12 p.m.

Dianna S. Bastin, President

David Drake, Vice-President

Scott Oldham

Phillip Smith

Dan Swafford

Sandra C. Hash, Clerk-Treasurer