

## **March 22, 2004**

The Ellettsville, Indiana, Town Council met in regular session on Monday, March 22<sup>nd</sup>, 2004 at the Town Hall. Patrick Stoffers called the meeting to order at 7:30 PM. Sandra Hash led in prayer and William Evans led in the Pledge of Allegiance.

**Roll Call:** Patrick Stoffers asked for roll call of the Council Members. Members present were Patrick Stoffers, President; David Drake, Vice-President; Phillip Rogers and William Evans. Also present were Sandra Hash, Clerk-Treasurer and Mike Spencer, Attorney. Lisa Creech was absent.

**Supervisors Present:** Jim Davis, Jim Ragle, Ron McGlocklin and Jeff Farmer.

### **Proclamation for the Exchange Club**

The Town Council proclaimed the Month of April as Child Abuse Prevention Month in support of the Ellettsville Exchange Club for their success in helping families break free from the cycle of child abuse. David Drake read the proclamation in its entirety and moved to approve the proclamation. William Evans seconded. Motion carried.

### **Approval of the meeting minutes for March 8<sup>th</sup>, 2004**

David Drake made a motion to approve the minutes for March 8<sup>th</sup>, 2004. William Evans seconded. Motion carried.

### **Action to pay Accounts Payable Vouchers**

David Drake moved to pay the accounts payable vouchers. William Evans seconded. Motion carried.

### **Resolutions**

#### **Resolution 09-04 Adopting the Revised Town of Ellettsville Premium Only Plan**

Sandra Hash read the resolution in its entirety. This ordinance per the Employee Retirement Income Security Act of 1974 (ERISA) recommends adopting an easier to read summarized version of the plan for Section 125. Section 125 of the Internal Revenue Code is a tax benefit which allows employees the opportunity to pay the premiums on their plans for medical, dental and life insurance benefits on a pre-tax basis lower their taxable income and tax liability. William Evans made a motion to adopt Resolution 09-04. David Drake seconded. Motion carried.

### **Ordinances on First Reading**

#### **Ordinance 04-07 to amend Title VII of the Ellettsville Town Code entitled "Traffic Code"**

Sandra Hash introduced Ordinance 04-07 by reading it in its entirety. This ordinance deletes the Main Street speed limit of 20 miles per hour from chapter 73 for the Ellettsville Town Code Title VII.

### **Ordinances on Second Reading**

#### **Ordinance 04-05 an ordinance amending Ordinance 03-26 fixing salaries for budget year 2004**

Sandra Hash read the ordinance in its entirety. This ordinance adds the Planning and Zoning Administrator's hourly, bi-weekly and annual salary into the 2004 Budget.

### **Public Comments:**

**Ed Bitner** asked if the Planning and Zoning Administrator would be salary exempt and if he would be paid overtime?

**Patrick Stoffers** said yes and any overtime time would be taken in comp time. David Drake made a motion to adopt Ordinance 04-05. William Evans seconded. Motion carried.

### **Ordinance 04-06 Ellettsville Tree Ordinance**

Sandra Hash gave a summary of the Tree Ordinance stating it describes what types of trees, plants and shrubbery are allowed in Town's right of ways, parks and public places as well as establishes a Board to govern and conduct business on this issue.

She also passed out a draft of the Long Range Plan concerning the grant that Darlyne Sowder wanted the Council to review.

Darlyne Sowder stated it is a draft for review and approval. Questions and comments should be presented to the Parks Board at this time. After Park Board and Council approval it will be forwarded to Ball State University to be finalized as the Long Range Plan for the Town. She added this draft is not related to the ordinance on the agenda.

William Evans made a motion to approve Ordinance 04-06. David Drake seconded. Motion carried.

### **Old Business** - None

### **New Business**

#### **Police Department Standard Operating Procedures manual updates and amendments**

Ron McGlocklin explained the Police Department wanted to revise their S. O. P.'s. He explained some of the wording was changed and some of it was removed such as the grievance procedures section because he did not want to duplicate the current Personnel Policy and some additions were made. The pay scale and hours did not change and are in accordance with the FLSA. He gave copies to the Council to review. Patrick Stoffers read all the changes to the S. O. P.'s and thanked Ron McGlocklin for making the revisions.

Sandra Hash requested the changes be recorded into a Resolution for a tracking device if needed.

Mike Spencer stated that the S. O. P.'s are a management tool for the Town Marshal and he doesn't think there is a need for those things to be incorporated into the Town's documentation, so if further immediate changes would be needed the Marshal could do that without Council approval. Patrick Stoffers pointed out that Under General Provisions, Section 103 the line should be removed and Mike Spencer recommended striking the following that states "Each change of this manual shall be adopted by the Town Board of Ellettsville and each member shall be provided a copy of the change." David Drake made a motion to approve the Standard Operating Procedures of the Police Department as amended with the caveat that the last sentence of section 103 be stricken by interlineation. William Evans seconded. Motion carried.

#### **Monroe County Election Board request permission to use Town Hall as a polling site**

Sandra Hash explained it was the standard request which is made before every Election. David Drake made a motion to approve the Monroe County Election Board's request to use the Town Hall for a polling place on May 4<sup>th</sup>, 2004. William Evans seconded. Motion carried.

#### **Authority to proceed with Project Management Contract for the Police Station**

Ron McGlocklin stated Mike Spencer has prepared a contract for a project manager for the Police Building project. The project manager will oversee construction. Sanders Contract Management will be the project manager for 8% of the project cost.

Mike Spencer explained the contract basically states the contract manager will be on site everyday to insure everything is done correctly and according to the specifications.

David Drake asked if the Fire Department hired a project manager and if this will increase the cost of the Police Station?

Mike Spencer stated no the Fire Department doesn't have a project manager as such; however, the architect for the Fire is performing similar functions. He said we do not have any agreement with Bynum Fanyo to have a person on site everyday. He added the Police don't have that type of relationship with their architect on this project. Mike said yes it will increase the cost an additional 8% percent.

Sandra Hash stated Sherman Bynum, architect for the Fire Department explained to her when Strausser Construction completed a section and requested payment, then Sherman would inspect the work prior to payment and he would authorize the Trustee to pay Strausser.

David Drake said this is a lot of money and since we have already paid Sanders a lot, he wants to make sure this a necessary expense since the Fire Station project doesn't have this contract.

Phillip Rogers made a motion to allow the contract with Sanders as project manager at 8% of the bid cost. William Evans seconded.

**Public Comment:**

Ed Bitner asked how much this would end up costing.

Mike Spencer said \$ 68,800.00 (8% of \$ 860,000 is \$ 68,800.00).

Motion carried with David Drake voting no.

**Letter from Mike Spencer**

Mike Spencer explained he is obligated under the Rules of Ethics to inform the Town that his senior firm partner Mr. Barnhart represents Neidigh Construction in legal matters.

David Drake made a motion to acknowledge Mike Spencer's letter of March 10<sup>th</sup>, 2004 as to his potential conflict of interest with representing the Town and his partner's representation of Neidigh Construction and that we authorize him to continue representing the Town in this matter. Phillip Rogers seconded. Motion carried.

**Capacity Certification Allocation Letter for Quarry Estates Subdivision**

Bernie Guerrettaz of Bledsoe, Tapp & Riggert stated a new 18 home subdivision by Cook, Inc. off of Limestone Drive (Matthews Drive and Maple Grove Road area) will be constructed and requested a capacity certification letter.

Jeff Farmer said he spoke to Rick Coppock today and this subdivision would tie into the Northern lines, which doesn't seem to have any problems. He added the sewer plant has the capacity to handle the subdivision and said they have no reason why not to sign the capacity letter.

David Drake pointed out since this is the first new subdivision since the Council passed the ordinance about Waivers of Protest of Annexation for the water and sewer have the owners signed that paperwork. The waiver has to be recorded with the deed. Since this property is adjacent to the Town we need to be sure they have already signed off on the waiver of protest of annexation so years later the Town doesn't have to fight for annexation.

David Drake made a motion to approve the capacity certification allocation letter for Quarry Estates Subdivision subject to the requirement that the necessary documents for the waiver of protest of annexation be completed as required by ordinance. William Evans seconded. Motion carried.

**Privilege of the Floor**

**Glenn Benninger**, who lives at 125 Ridge Springs Lane personally, delivered a formal complaint on Don Kinser's self storage facility which is directly across the street from his home. He explained the issue with Mr. Kinser's facility was originally a security lighting problem which after a lot of negotiating was resolved. However, in the process he has discovered Mr. Kinser's facility seems to be in violation of the Town's

Code with his C-1 zoning. He has looked through both the old and new Town Code and feels Mr. Kinser's facility needs to be reviewed. He stated within the C-1 zoning it makes no allowance for Mr. Kinser's type of business and the facility is filed as 25,000 square foot which violates both the old and new code. He requested the Town look into this situation and requested a written response to his complaint.

David Drake stated the Town has just hired a new Planning and Zoning Administrator for these very issues.

Patrick Stoffers assured him they will request Planning and Zoning Administrator Mr. York take care of the matter.

**Ed Bitner** stated he has been having problems with his mailing address. Approximately a year ago the Ellettsville Plan Commission, the Fire Department address committee and Town Council agreed to change the block numbers on Main Street. It used to be 430 E. Main Street or but was changed to 202 W. Main Street. Recently someone had trouble finding his house and in fact the Address 202 is not registered as a 911 change yet. Therefore, he would like to know when this will be corrected. He said the Post Office still scratches out the new address and puts his old address on the mail he receives. He is involved with a jail ministry and has been accused of falsifying information because of this problem with his address.

**Patrick Stoffers** said they would look into it.

#### **Supervisor's Comments**

**Ron McGlocklin** said he would like to enlist the services of Steve Jackson, a retired State Trooper as a Reserve Officer to help Sgt. John Stone in an administrative capacity which would free up John from some of the paperwork so he can concentrate on evidence processing. Steve shot at the range on Saturday on an "expert level". Steve is 55 or 56 years old. Ron requested permission to add Steve Jackson to the Reserves. David Drake made a motion to approve Steve Jackson as an officer of the Ellettsville Police Reserves. William Evans seconded. Motion carried.

**Ed Bitner** asked if bringing Steve Jackson on as a new Reserve would still be staying within their allotted limit of Reserve Officers.

**Ron McGlocklin** said yes they were still within the guidelines for the number of Reserves. He also thanked the three Councilmen (Patrick Stoffers, Phillip Rogers and William Evans) who attended the Shoot on Saturday.

**Sandra Hash** stated that the Planning and Zoning Administrator Jeffrey York started today in the Clerk-Treasurer's Office and she introduced him at the Chamber of Commerce luncheon.

**William Evans** read a thank you letter from Phyllis Presson (retired Postal Worker) for the recent Proclamation and a thank you from the family of Louise Emmons (a retired, Ellettsville Employee) for her funeral flowers. He stated he enjoyed the opportunity to be a part of the Shoot last Saturday.

**Phillip Rogers** stated he too had a good time at the Shoot.

**David Drake** stated the Council would like to congratulate Fire Chief Jim Davis for receiving his recent Fire Safety Commendation Medal from the Daniel Guthrie Chapter Indiana Society of the Sons of the American Revolution for his dedication to the fire service in the Ellettsville community.

**Patrick Stoffers** said he had also attended the firing range qualifications and was impressed with the skill level of the fifteen or twenty officers who qualified at the Shoot.

He said the recent article in the Journal said the Town requires Garage Sale permits which is not true. He explained when the Town Council adopted a new Zoning Ordinance it inadvertently deleted the section concerning garage sale permits. The Town Council has discussed this and they do not wish to re-instate garage sale permits

at this point and requested Sandra Hash to inform the Journal not to print that article again.

**Adjournment**

Patrick Stoffers asked for a motion to adjourn. David Drake made a motion to adjourn the meeting. William Evans seconded. Motion carried. Meeting adjourned approximately at 8:35 PM.

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Patrick Stoffers, President

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David Drake, Vice President

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Lisa Creech

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Phillip Rogers

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William Evans

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Sandra C. Hash, Clerk-Treasurer