

## March 28, 2011

The Ellettsville, Indiana, Town Council met for a Regular Meeting on Monday, March 28, 2011, at the Fire Department Training and Conference Room. David Drake called the meeting to order at 7:00 p.m. Dan Swafford led the Pledge of Allegiance followed by a prayer led by Sandra Hash.

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

**Supervisors Present were:** Jim Davis, Tony Bowlen, Jim Ragle, Connie Griffin, Mike Farmer, and Jeff Farmer.

### Approval of Minutes

David Drake entertained a motion for the approval of the minutes for the Regular Meeting on March 14, 2011. Dianna Bastin so moved. Dan Swafford seconded. Motion carried.

### Accounts Payable Vouchers

David Drake entertained a motion for action to pay Accounts Payable Vouchers. Dianna Bastin made a motion to pay the vouchers. Dan Swafford seconded. Motion carried.

### Old Business

#### **Water Tracking Factor Approved by Indiana Utility Regulatory Commission to Reflect the Change in the Water Rates Charged by the City of Bloomington Utilities**

**Mike Farmer, Ellettsville Utilities** – They have received the tariff raising the water rates to reflect the increase of the purchase water from the City of Bloomington Utilities. It will affect Ellettsville Utilities customers at the rate of 25¢ per 1,000 gallons used. The Indiana Utility Regulatory Commission has approved the tariff. It will be on the May bills. David Drake asked if this reflects the increase the Town has to pay the City of Bloomington for water. Mr. Farmer stated this is correct.

**Sandra Hash, Clerk-Treasurer** – She and Becky Wines had discussed the Town Code. Umbaugh is going to prepare the information for Darla Brown, Town Attorney. Ms. Brown will prepare an ordinance to reflect the 25¢ increase.

#### **Agreement Between the Town of Ellettsville and Smithville Security, LLC**

**Darla Brown, Town Attorney** – The week after the last Town Council meeting she exchanged telephone conversations and emails with Richard Kissel in Indianapolis, the attorney for Smithville Security. They were not able to reach an agreement with regard to language in the contract. She had issues with paragraphs 10 (release from liability) and 11 (indemnification from third party lenders). They weren't able to work anything out before the deadline to notify the current security company whether or not the Town was going to renew its contract. If this is appropriate, someone should move to rescind the motion approving the agreement between the Town of Ellettsville and Smithville Security. Dan Swafford asked if the same language was in the contact with the current security provider. Ms. Brown said she has not seen that agreement and did not know. Mr. Swafford asked what happens if the Town rescinds this agreement. Ms. Brown said she told Mr. Kissel she would be willing to try again in the future to see if something could be worked out.

**Dianna Bastin** – Commented there are more than ample security companies and, maybe, if we want to look for a better deal now would be the time.

David Drake entertained a motion to rescind the motion to approve the agreement between the Town of Ellettsville and Smithville Security. Dianna Bastin made a motion to rescind the motion to approve the agreement between the Town of Ellettsville and Smithville Security. Scott Oldham seconded. Roll Call Vote: David

Drake – yes; Scott Oldham – yes; Dianna Bastin – yes and Dan Swafford - yes.  
Motion carried 4-0.

## **New Business**

### **Richland Bean Blossom Community School Corporation Request Use of Memorial Park on Friday, June 3, 2011, for a School Activity**

**Diana Johnson, Retired Teacher from Richland Bean Blossom** – She is representing the second grade teachers from Edgewood Primary School. The State of Indiana has cut education funding which has had a domino affect to Monroe County Schools, and they have cut the Honey Creek School field trips. Honey Creek School is a one room school house on Low Gap Road. For many years, they have enjoyed being able to go to the school. The children spent the day role playing as students in the mid-1850s and they got a lot out of it. This is also for learning past history which is also one of the state's standards in Social Studies. The second grade teachers came up with the idea that the school could have a study trip called "The Pioneer Day" in Ellettsville for their students. The date to do this is Friday, June 3, 2011, the week before school is out for the summer. They are trying to recreate as many of the one room school activities as they can. This involves 150 children from the school and parents will be attending as well. She has tentatively reserved the Ellettsville Library and, hopefully, the Town Park, the log cabin and the area around the Library for June 3, 2011, between 9:00 a.m. to 3:00 p.m. The students will bring their lunches. They are seeking initial approval to use the Town Park and, maybe, close off the street between the Library and the Town Park to the old-fashion cabin. They will recreate learning areas and centers. The Home Economics Department has helped in the past with old-fashion activities. They have someone to demonstrate making corn husk dolls, basket weaving and old-fashion penmanship. Stephanie Holman, the Children's Director at the Library has volunteered to help. Carol Darling, who was the original Honey Creek School teacher, has a program, "Aunt Caroline from 1835," she will be presenting. Ms. Darling will bring a conestoga wagon, tell stories and play games. She also gave them some ideas of games to play. Ms. Darling suggested they try to borrow McGuffey readers from the Historical Library at University School.

David Drake entertained a motion to approve the use of Memorial Park and the road closure from the alley next to Kenny's Tavern to Matthews Street. Dianna Bastin made a motion to approve the use of Memorial Park and closure of the road from the alley next to Kenny's Tavern to Matthews Street and behind the Library. Dan Swafford seconded. Roll Call Vote: David Drake – yes; Scott Oldham – yes; Dianna Bastin – yes and Dan Swafford - yes. Motion carried.

### **Restatement of the 457 Governmental Plan Document – *The Purpose of This Restated Document is to Incorporate Recent Legislative and Regulatory Changes Into the Plan***

**Sandra Hash** – Prepared a synopsis of the changes to the 457 Governmental Plan with Nationwide Retirement Solutions, formally known as PEBSCO. On October 24, 1994, the Ellettsville Town Council approved participation in a 457 deferred compensation plan for government employees. The Plan allows employees to invest in a pre-tax retirement plan through payroll deduction. The plan requires an Employer Security Administrator and the Clerk-Treasurer has served in this capacity since the Plan's inception. Currently, seven employees participate in the 457 Plan. With legislative changes and Internal Revenue Service ("IRS") regulations the Plan Document has to be updated from time to time. Nationwide updates and administers the plan according to the legislative and IRS changes and provides the updated plans to the Town. The Plan Document was updated in 2000, 2002 and 2006. It states "*no features will be taken away from the plan.*" With the 2011 update, Nationwide is requesting a "Plan Sponsor Signature Page" acknowledging receipt of the Certificate of Participation and Disclosure Document and acceptance of the changes. If the Town chooses not to adopt the Plan Document, it would need to create its own Plan Document that would be in compliance with the IRS and acceptable to Nationwide so they can administer the Plan. The Plan Sponsor Signature Page is due by May 31, 2011 and the plan will be

retroactive to January 1, 2011. She is requesting direction of the Town Council on how to proceed with the approval process.

**David Drake** – Asked if these are things that will change what the person is contributing and receiving or are they procedural changes as required by the IRS. Ms. Hash responded they are legal procedural changes required by the IRS. Ms. Hash summarized the changes as outlined in the 2011 Restated Plan Document Initiative previously provided to the Town Council. Mr. Drake suggested providing copies of the changes to the supervisors so the employees enrolled in the Plan are aware of the changes. The Town Attorney should be given a copy of the changes as well for her review. Ms. Hash stated the Plan Documents are booklets and Nationwide sent the current plan, the new plan and the fee structure. Nationwide is now offering a Roth IRA. Before, the Plan offered mutual funds and a fixed account. Dan Swafford suggested providing the information to all employees. Ms. Hash commented a representative came through about one year ago to meet with employees. Maybe one or two people joined the Plan. It would be confusing to give the other employees a copy of the Plan unless they show an interest. This matter will be tabled until the next meeting of the Town Council.

### **Supervisor Comments**

**Town Marshal Tony Bowlen** – Presented a Software License Agreement for the InterAct Public Safety Systems which had been reviewed by the Town Attorney. This Agreement is for the mobile data terminal in the cars. The Agreement allows the Police Department to run its own drivers license and license plate checks in the cars. They will “piggy back” the City of Bloomington system at a significantly lower price. David Drake asked if the Police Department had the funds for this in their budget. Marshal Tony Bowlen responded they had the funds in their budget. Sandra Hash asked if they could write tickets and do background checks. Marshal Bowlen stated they already have the ability in the computers in the car to do the ticketing. This system allows them to do drivers license and license plate checks. David Drake asked if it will be IDACS and NCIC or the CAD screen. Marshal Bowlen answered they will get the CAD screen. Dan Swafford asked if there are any fees other than the initial cost with the signing of the Agreement. Marshal Bowlen stated there will be an annual maintenance agreement. Mr. Swafford asked if they will have unlimited usage. Marshal Bowlen stated the data side is handled by the Verizon cards. It is unlimited data for \$29.99 a month per card. The City of Bloomington is acting as host for the Town of Ellettsville. This is under an agreement they have with InterAct, the software company. The City of Bloomington has been hosting Sullivan County for one year. David Drake stated this will increase the efficiency and productivity of the Police Department. It also cuts down on radio traffic. Sandra Hash asked if calls would go directly to the Town or to Central Dispatch. Mr. Drake advised 911 calls would still go through Central Dispatch. The thirty day trial will not go into effect until they take delivery of the software licenses. Then, the Police Department will have thirty days to inspect and ascertain whether or not they have any issues or problems with the software. If there are any problems, they have to give InterAct written notice within ten days from the end of the trial period. Mr. Swafford asked if training was included. Marshal Bowlen stated the training will come from Cheryl Carlyss, the IDAC Coordinator at Central Dispatch and from Brenda Russ of the Monroe County Sheriff’s Department.

David Drake entertained a motion to sign the Agreement with InterAct for the software license. Dan Swafford made a motion to sign the Agreement with InterAct for the software license. Scott Oldham seconded. Roll Call Vote: David Drake – yes; Scott Oldham – yes; Dianna Bastin – yes and Dan Swafford - yes. Motion carried 4-0.

**Connie Griffin, Director of Planning** - On March 30, 2011, she will be attending Employee in Responsible Charge training as a local public agency. This is a certificate that has to be renewed every two years. Technically, she is not due to go for training until the fall. However, training the closest to Ellettsville is on March 30<sup>th</sup>. The office will be closed on that day.

Americans With Disabilities Act – On December 14, 2010, she had provided updates on the ADA Transition Plan the Planning Department has been working on. So far, the Planning Department has logged 68.5 hours that can be billed to the Metropolitan Planning Organization (“MPO”). The MPO has given different agencies up to \$10,000. This plan will be able to be financed through the Planning Department doing the work and billing back to the MPO. The Planning Department has attended one training session which was the “Ins and Outs of Conducting a Self-Evaluation” for the Town government and services. On April 19, 2011, there is a seminar, “Are My Recreational Areas Accessible” and the third seminar will be “Reasonable Accommodations.” The very least to start with would be coming before the Town Council for a longer presentation on April 11, 2011, with more of a breakdown as to the compliance issues. An ADA Coordinator has to be designated, notice to the public regarding ADA requirements, establish a grievance policy and procedures, design standards, specifications and details, approving a schedule and budgets to get the transitions into place and monitoring progress of the implementation of the transition plan. On April 11, 2011, setting up a task force will be discussed. Supervisors should be included for the self-evaluations of each service area. Perhaps Town Council and Plan Commission members should be included in the task force as well as a few citizens. Technically, she would like to get the policy written to have something to work with rather than creating it all at once.

**Council Comments**

**Dan Swafford** – Asked Rick Coppock, Town Engineer, the status of mapping the water lines. Mr. Coppock responded they should be done by the next meeting. They still have to check on a couple of lines before the mapping is finalized. Mr. Swafford stated Monroe County Commissioners have requested the master plan and requested status of the same. Mr. Coppock stated Monroe County wanted a copy of the service area boundaries. There has been a master plan since 1990 or 1995 stating the areas that could be serviced with gravity in the treatment plant plan. A copy of the plan will be made available for the next Town Council meeting. It’s more or less a plan of what could gravitate to the Town based on the topography of the area.

**David Drake** – There’s going to be an Earth Day event on Friday, April 22, 2011, from 10:00 a.m. to 4:00 p.m. at the College Mall if someone wants to promote their recycling business, healthy lifestyles, organic foods and plants, alternative energy or sustainable living they can get a table for \$100. The deadline to register is April 15, 2011. People can contact Dena Marietta at (812) 339-9370 at College Mall if interested

**Adjournment**

Dan Swafford made a motion to adjourn. Scott Oldham seconded. Motion carried. David Drake adjourned the meeting at 7:36 p.m.

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David Drake, President

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Scott Oldham, Vice-President

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Dianna S. Bastin

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Phillip Smith

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Dan Swafford

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Sandra C. Hash, MMC  
Clerk-Treasurer