

May 11, 2009

The Ellettsville, Indiana, Town Council met for a Regular Meeting on Monday, May 11, 2009, at the Fire Department Training and Conference Room. Dianna Bastin called the meeting to order at 7:41 p.m. with the Pledge of Allegiance and Sandra Hash led in prayer.

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

Supervisors Present: Tony Bowlen, Mike Farmer, Jeff Farmer and Frank Nierzwicki were also present.

Approval of Minutes

Dianna Bastin entertained a motion for the approval of the minutes for the Regular Meeting April 27, 2009. David Drake so moved. Dan Swafford seconded. Motion carried.

Accounts Payable Vouchers

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

Resolutions

Resolution 11-09 Additional Appropriation from the I-69 grant for training

Sandra Hash explained the I-69 grant includes 100% reimbursement for training, up to \$3,000. The Planning Training Session was held March 23. The bill was paid out of planning appropriations and this request will take the reimbursement for the training and place it back into the planning line. The amount is for \$2,872.67.

David Drake made a motion to adopt Resolution 11-09. Scott Oldham seconded. Roll call vote: Dianna Bastin – yes; David Drake – yes; Scott Oldham – yes; Dan Swafford – yes; Phillip Smith – absent. Motion carried 4-0.

New Business

Ellettsville First Assembly Men's Ministry "Men of Purpose"

Wes Gastineau and the Men of Purpose group from Ellettsville First Assembly will be hosting their 7th Annual Car, Truck and Bike Expo. They are requesting to hold their expo at Marci Jane Lewis Park this year and the Ellettsville Park and Recreation Board approved it during their last meeting. The date of the expo will be Saturday, July 11 from 2 p.m. until 10 p.m. (set up to tear down time). They requested a street closure because of the foot traffic and public safety. Their past events have seen as many as 43 show cars with foot traffic exceeding 100. Mr. Gastineau requested Park Street be closed from the Street Department to Ritter. They will be using the large shelter and the ball fields. The cars will not be parked on the grassy area in front of the Shelter House. This event is open to the public. Dan Swafford asked Tony Bowlen if he saw any problem. Tony said "no". Dianna asked Wes Gastineau to be in contact with Jim Ragle.

Scott Oldham made a motion to approve this with the extension of blocking as we discussed at Turtleback and Ritter at Park to give them adequate room and to be closed from 2 p.m. to 10 p.m. and open it there after. David Drake seconded. Roll call vote: Dianna Bastin – yes; David Drake – yes; Scott Oldham – yes; Dan Swafford – yes; Phillip Smith – absent. Motion carried 4-0.

Supervisors Comments

Mike Farmer, Ellettsville Utilities had a rate study to determine cost involved in with the billing for the wholesale customers. This study indicated a rate increase is needed. The Utilities Department would like to implement the rate increase June 1st. NRSC has not signed a contract but he thinks it is important to implement the billing rate starting June 1st for May services. Dianna Bastin entertained a motion to implement the rate increase effective June 1st with the postage increase beginning June 1st for May's billing. David Drake seconded. Roll call vote: Dianna Bastin – yes; David Drake – yes; Scott Oldham – yes; Dan Swafford – yes; Phillip Smith – absent. Motion carried 4-0.

Mike Farmer and the Utilities Department have been looking into ways to decrease their cost for the customers. He received a report that stated if they consolidated with their

wholesale customers, the rate increases (now and in the future) would be less based on the unity. Mike is requesting approval to move forward with the feasibility of buying NRSCs assets and making their corporation part of Ellettsville Utilities. David Drake asked about the expenditures that might require. Mike said part of the moving forward would require meetings. They have received a study from the accountants on what it would cost. Mike Farmer does not have any firm conclusions based on the fact they just need to move forward and look into the complete feasibility of incorporating them. Scott Oldham said yes that is more than appropriate; please move forward. Dianna Bastin seconded. Mike Farmer does not need a motion but suggested the Council put together a meeting in the near future to discuss all of their options.

Dianna Bastin stated the flow rates need to be implemented. She offers to the Council a motion to begin that as soon as Eastern's IURC rate comes through. Mike Farmer said that would be for NRSC also. Dianna said yes and that we do not have a contract with NRSC in spite of the fact that we have tried. The Council just needs to take it over. Scott Oldham seconded. Roll call vote: Dianna Bastin – yes; David Drake – yes; Scott Oldham – yes; Dan Swafford – yes; Phillip Smith – absent. Motion carried 4-0.

The following discussion took place before the vote

Dan Swafford questioned if the rate increase will start as soon as IURC approves Eastern. Mike Spencer said as soon as the increase for Eastern starts. Dan Swafford asked about the thirty day trackers. Mike Spencer stated this is referring to the thirty day tracker provision. Their flow rate increase is being done on a thirty day tracker. Dianna stated “for the record” Northern has also filed with the IURC (that is what Northern has told the Utilities Department); there is a real possibility their ruling will come through at the same time. Dan was confused “we can make this their contract with them because there is no contract with them”. Mike Spencer stated we do have a contract with them since 1971 and a 1998 contract. The 1971 contract indicates the Town can increase flow rates unilaterally as long as there is reasonable justification.

Randy Cassady, at one point was President of NRSC, and consolidation was mentioned. He suggests that instead of the Town spending money to buy assets they look at the possibility of a Utility Service Board that would oversee the people in the Town, Eastern and Northern. Dan Swafford stated there is already a consolidation report available if Mr. Cassady would like to see it.

Frank Nierzwicki, Director of Planning Services announced a new business in Town. Ben Hamblen has a business at 702 E. Temperance Street, Hamblen Machines. Ben Hamblen thanked the Town Council for the opportunity. His business is a general machine shop that caters to medical pharmaceutical companies within this area. As a new owner, they want to support the community by buying local goods and services.

Frank Nierzwicki has been working with Autumn Ridge and stormwater drainage issues. A report was completed in April and called for certain items to be completed (silt fence and seeding). The Town's Stormwater Operator, Rick Coppock, completed an inspection on May 11th and found them to be in violation. An email was sent to all the Town Council members this evening. Town Code 152.177 states a fine for up to \$1,000 per day on violations. Frank will be working with the situation to have it rectified as soon as possible. Frank listed the violations:

- Silt fence in area around the “pit”
- The vacant lots (at the end of the road stub) are required to be stabilized with temporary seeding which will provide a minimum of 70% coverage
- Area referred to as the “pit” should have the eroded area in the center repaired with topsoil and permanently seeded
- The developer/contractor shall complete a written evaluation of the erosion control measures a minimum of one time per week or by the end of the next business day following a rainfall that exceeds half an inch (according to Indiana Code)

Dan Swafford asked if these violations were found two weeks ago. Frank stated the official notification went out from Rick Coppock. It was inspected April 17th and the notice went out shortly after. The items were to be corrected prior May 8th. There was an attempt to do something; sod was put down. Rick Coppock sent out an email and got a response from the contractor stating they thought they made a good effort attempt to rectify

the situation. The contractor/developer sent an email today (May 11th) thinking they were in compliance but Rick Coppock inspected it again and his report stated the problem was insufficiently addressed. Dianna asked if it is our responsibility, as a Town, to keep them informed and educated on stormwater measures. Frank said “yes we do need to keep them informed of the situation”. Rick Coppock writes the reports, regarding stormwater violations, to all subdivisions that are in violations. Scott Oldham feels this has been an on going issue that we have had since last year. Frank stated some work was done in Autumn Ridge last week to try and fix the problem; there has been some rain. There is a State form that Rick uses when he inspects the subdivision.

Scott Oldham asked what time the inspection was completed today and could the work be completed in a day. Frank said 3:00 p.m. and the work could be completed in a day. Dan asked what do we do now; allow another few days to make the corrections. Frank said it is up to the Council; having the option to fine them up to \$1,000 a day. Frank’s recommendation would be a fine starting at \$250. Scott Oldham made a motion that they have 48 hour to correct this issue, if not it begins \$500 a day, every day, until it is completed with the understanding it is their responsibility to meet with the Town next time they have something like this (if items are not fixed by close of business 5:00 p.m. Wednesday night). Dianna Bastin seconded. Roll call vote: Dianna Bastin – yes; David Drake – yes; Scott Oldham – yes; Dan Swafford – no; Phillip Smith - absent. Motion carried 3-1.

The following discussion took place before the vote

Dan Swafford asked if the developer made a feasible attempt. Frank answered that in the “pit” area there was some erosion that happened over the winter and it was filled in with gravel. Rick Coppock recommended putting soil and seed or sod over the gravel to anchor everything in. Frank saw them with dirt and sod but is not sure the outcome. They need to follow through with the work when there is weather.

Dianna Bastin understands they are talking about “this” issue this year and the erosion but we started talking about this last year. We brought strong attention to the “pit” area. She does not understand why this has not been monitored. The Town was going to fine them and then backed off. They have been given fair notice. David Drake pointed out every time Rick Coppock goes up to Autumn Ridge, it costs the Town money. Sandra stated there is a contract with Rick Coppock that pays him a flat fee per month for his services. Dan stated there has been a lot of trouble in Autumn Ridge and feels there has been an 80% improvement since the Town has gotten involved. David Drake feels there has been very little change since last year.

Council Comments

Dianna Bastin announced former Ellettsville Police Office Justin Mullis died in an accident on a motorcycle during a funeral escort. Flowers were sent.

Dianna Bastin reminded the public, for the Street Department, that brush pick-up is on the first Monday and Tuesday on the month. Place the brush on the edge of your property and not in storm sewer, not in the street and not in the gutter.

Adjournment

Dianna Bastin made a motion we adjourn. Dan Swafford seconded. Motion carried. Dianna Bastin adjourned the meeting at 8:21 p.m.

Dianna S. Bastin, President

David Drake, Vice-President

Scott Oldham

Phillip Smith

Dan Swafford

Sandra C. Hash, Clerk-Treasurer