

May 11, 1998

The Ellettsville, Indiana, Town Council met in regular session at 7:30 p.m., Monday, May 11, 1998. Members present were Michael Cornman, President, Geraldine McIntyre, Vice President, Donald Ashley, Patrick Stoffers and Gina Hawkins. Mr. Cornman called the meeting to order. Donald Ashley gave the prayer.

COMMENTS:

Darlene Sowder lives at 114 Temperance and she would like to know what is happening in regards to the flooding on Vine Street? The last 2 Thursdays they have had 3 manholes pop because it was raining. She wants to know what the town intends to do about that.

She would also like to ask is the water is coming down the hills into Ellettsville coming from what she calls the south side. She thinks the drains are insufficient to keep the water drained off the highway. She understands that is not the Town responsibility to provide those drains, but who needs to contact the State or who ever to get that taken care of.

Mike Cornman said the first question is going to direct to Jeff.

Jeff Farmer said to address the sewer line. He has checked the last 2 years records. At this time when we had a 2-inch rainfall in 24 hours we were bypassing up ward towards a million gallons. The last 2 rains we had we had a minor bypass the first rain of less that a thousand gallons. Most recently the bypass we had which popped one manhole just east of the old Robinson block, he estimated about 5,000 gallons. When that is going on it is considerably less than what it was a year ago. We are trying to get a handle on keeping the sewer out of the streets. During the bypass he checked here and we have between the 18 and 15, we have an 18-inch sewer line that runs behind the property and 15-inch. The 15-inch is what was bypassing. They have a hydraulic problem running down Main Street. He looked into the 2 manholes here and they have a bypass line for the 15 to spill over into the 18. The problem he has seen is the bypass line is at the top of the manholes. At the time you start having a bypass the 18 is not even full yet and it is just starting the spill over from the 18 to the 15. What they plan to do in the next couple of weeks, you will see some construction going on, is to lower that pipe to the bottom of the 2 manholes to unitize the 18 all the time. Hopefully to reduce the vacuum of the 15. He has put together some long range plans of upsizing some lines when the highway goes in, they will probably have to move their line anyway and hopefully eliminate the whole problem.

The real problem is not the size of their lines. The real problem lies in the fact we have infiltration and inflow in our lines. It is a long-range problem and you just have to keep fighting it and keep looking for it. There was more discussion on this.

Darlene said her neighbor's toilets were over flowing into his new carpets. Jeff said he needs to phone us and let us know.

Mike Cornman said the first day this happened he called Jeff and asked why is this happening and he interrupted a meeting of Jeff Fanyo, Rick Coppock, Mike and Jeff Farmer on trying to find out what happened. They were already ahead of it trying to find out what was going on. One of the things I know that you vote in confidence when we hired Bynum Fanyo Utilities, one of these things would be taken care of. Yes they can tell me it was less flow, even I could see that, there was less out there. They are getting it corrected and they are working on it aggressively.

Darlene said so you are aware you still have a problem?

Mike Cornman said yes, that is on going and it is going to be going on for a long time along with our own system, but with the 2 wholesale users we are trying to get everything coordinated together to get it corrected.

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Darlene said she is led to believe that you biggest problem is on out, where they actually have storm sewers hooked into the sanitary and won't tell them.

Mike Cornman said that is something he knows Mike Farmer has been investigating. He was with Mike the other day and they were out looking at those types of things.

Jeff Farmer said their first goal is to eliminate all sanitary sewer overflows, what ever it takes. Their long-range goal is to reduce the I and I in their system.

There was more discussion.

Darlene said on the highway the water is coming down the alleyway across from her, the water comes down like a water fall. It is also coming down Second Street west. The water comes on to the Highway and there is not sufficient drainage to take the water off the Highway and it gets clear over the top of the highway.

Mike Cornman said the question is who is responsible for drainage of that sort? Is it the State Highway, and what is the probability of them doing anything before they do their improvement to the eastbound lane, Temperance Street?

Rick Coppock said it is the State Highways responsibility for their inlet space to be able to collect water coming down off those side streets. As far as if they are going to do anything before the project. Rick said he doubts it. There was more discussion on this.

Mike Cornman said what we will do is contact Joe Hall of the Department of Transportation, he is the District Superintendent. Someone from the State will let you know. Mike said they would call and see what is going on. There was more discussion.

MINUTES AND CLAIMS:

Mike Cornman said is there a motion to approve minutes and claims. Donald Ashley so moved. Geraldine seconded. Motion passed 4-0, Patrick Stoffers abstained.

OLD BUSINESS:

REQUEST FROM SKATE BOARDERS:

Mike Cornman said he will bring this up for discussion. Mike asked if they have a copy of the letter Mike Spencer sent? He wants to know what is the feeling on the council on this request for a mini skate board area?

Donald Ashley said the gentleman that was here at the last meeting and talked about the skateboard experience they had in Bloomington. He thinks that should be a guideline for us. He said they spent quite a bit of money over there and then it ended up lasting about 6 months or something of that source and interest was lost----. Along with that and we have an insurance policy or liability problem or could have. The insurance would cost the town a minim of \$2,500 to cover that, other than what Mike suggested of having the parents sign off on that and then you would have to have someone that was responsible that is filed.

Gina Hawkins said she couldn't make up her mind. The kids have done a lot of work and have come to a lot of meetings but the liability is a major issue that we have to think about.

Geraldine McIntyre said there is one thing in this letter from Mike that upsets her, is the ages. She is like Gina, the kids have done a lot of work on this, but if we give them one of our public parking lots, we are the ones that are going to be responsible. She doesn't know how you can ask the kids and the parents to sign a waver and then if something would happen, she is sure they would fight the waiver.

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Patrick Stoffers said he has nothing to add.

Mike Cornman said is there anything among this Council that we can do that can make this project work?

Gina said did Jewel tell us, because she agrees with Don, if we get the permission slips, somebody is going to have to be responsible for keeping these permission slips on file. Did Jewel tell us that they are going to have somebody there, and in charge, and would take care of all this is that correct?

Mike Cornman said he does not remember.

Donald Ashley said it was his understanding that Jewel is just representing the kid with the grant and so forth and she just happened to bring it to the Board. He did not understand her to say they were going to have any responsibility for supervision for this kind of thing.

Mike Cornman said that is his impression to. He thinks this was just another expanded role of the Government in the area of Parks and Recreation.

Geraldine said you know if we give them the parking lot that they have already said that they want their ramps and that they would build their own ramps. They are going to put ramps on there.

Mike Cornman said it doesn't necessarily have to be the parking lot.

Geraldine said she would rather it be the parking lot than the stage across the street.

Mike Cornman said he did know that paying for the insurance would be a big blow to the Park and Reaction fund, no bigger than it is. Even Jewel has said they could probably come up with the money for that and that is just for one year. Even then based on the amount of growth or lack of growth we are not going to have to get much more under our frozen levy limit.

Donald Ashley said as far as the insurance premium go, he could be wrong on this, he things you will find that that comes just like the rest of our insurance would be an audited premium. That is based on a lot of facts. When they say that is a minimum premium you can be very well assured that it is exactly that, it will probably be much more than that.

Mike Cornman said can I hear one more time specific issues on the skate board, one was using town parking lot, is that right? Geraldine said town property period. There was more discussion on this.

Mike Cornman said cost for insurance and liability issue, regardless of the insurance or not, this is some of the things Mike (Spencer) pointed out in his research. Is there anything else specific that we are concerned about from the Town Council?

Donald Ashley said he was real curious to see how people actually participate as far as skate boarders that will be there at that parking lot, and they were talking about some bicycles.

Mike Cornman said they are supposed to make it multi where you can roller blade,-----skates, skateboard, and bicycle.

Geraldine said would we put an age limit on this?

Jim Davis said how about supervision, nobody supervises this. Mike Cornman said do we supervise basketball, that is the same thing, that is how he looks at it.

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Gina said the ramps and stuff she thought were going to be portable ramps and they were going to move them in and out. Where are they going to be stored and who is going to be responsible for moving them in and out. Who is going to be responsible for these permission slips?

Donald Ashley said it looks like we have more questions than answers.

Patrick Stoffers want to know how you would identify which kid has permission slip and which kid doesn't.

Mike Cornman said he will take this back to the skate boarders for them to answer these things. Hopefully they will have something for the next meeting.

WEB SITE FOR THE TOWN OF ELLETTSVILLE:

Mike Cornman said the Chamber of Commerce is willing to commit some money towards development of the web site contingent upon the Town Councils approval and the-----of the web site as well. They are willing to go if we are and the first year it looks like they would still be willing to get the up front cost. Hopefully we could budget this---summer and continue on with this------. One of the questions that are asked is how big of a web site do we want. Mike discussed this with the Council.

Donald Ashley supposes a web site could be good for us. He needs more information before he could say yes or no.

Gina Hawkins said she thinks we need one.

Mike Cornman asked what way do you think we should proceed? The question is are we willing to support if financially based on the information that Kenny Williams the president of the Chamber of Commerce gave to us.

Jeff Farmer wanted to know how much their part was?

Mike Cornman said to start off what ever we can, but they are willing to take the lions share for the first year of development and start. They may have funds available as long as we commit to do so. Being the Town would have the most hits and users then it would be more likely that an example would be a 80,20, split of the cost. The town would be bearing 80% of the cost and the Chamber Commerce running about 20% of the cost. This is an example. We have to see after one year how it is proportioned and adjust accordingly.

Jeff Farmer wanted to know why we would have the most hits?

Mike Cornman said that depends what we are after, most people link up to the city first and then they go to the Business that are hooked to the Chamber of Commerce-----.

Jeff Farmer said we don't have a product to sell like a business in town would.

Mike Cornman said yes we do. Every thing we have is selling our services; it would be the Police, Fire, Street, Utilities or what ever. Have information about that and the current rates and charges, everything on line.

Rick Coppock asked if they gave him a yearly cost?

Mike Cornman said no, that depends on, they haven't decided on which server they want to use and the Chamber of Commerce wants to give bid this project out and get the best and competitive bid. We don't know what that is going to be, they found some to be very inexpensive like \$700 a year and some very expensive \$2,000 a year.

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Geraldine thinks we need to allocate money for it in the new budget and work us up a web site sheet and go from there.

Patrick Stoffers said he thinks we should go ahead and do it, every significant city in the State of Indiana has web page and the State of Indiana has an excellent web page. The potential and ability to get information out, it is kind of silly not to have one. The dividend of having it will out weigh the cost.

There was more discussion.

Mike Cornman asked Patrick Stoffers if he would be willing to take some time and work on this and get this together. Pat said absolutely, he doesn't have IU in his life anymore.

Mike Spencer wanted to know if this involves E-mail? Mike Cornman said yes. Patrick Stoffers said it wouldn't have to involve E-mail. Mike Spencer asked if they got the information that he had provided. Mike Cornman said yes. Mike Spencer said that concerns him.

Rick Coppock asked what is the question on E-mail? Mike Spencer said the open door policy. Mike Cornman said if it is Town Government and we write something me to her, it is a public document that it has to recorded in a file on a disk on file. It is public information. There was more discussion on this.

NORTHERN SEWER CONTRACT FINAL RATE AGREEMENT:

Gina Hawkins made the motion we approve Northern Sewer contract. Geraldine McIntyre seconded. Motion passed 5-0.

ORDINANCE 98-12 ORDINANCE OF ELLETTSVILLE TOWN CODE PREAPPROVED PAYMENTS 2ND:

Gina Hawkins read Ordinance 98-12 by title only. Mike Cornman said is there a motion to adopt Ordinance 98-12. Gina Hawkins so moved. Patrick Stoffers seconded. Motion passed 5-0.

NEW BUSINESS:

REVISED CHANGE ORDER B-09 RW ARMSTRONG:

Rick Coppock said originally we thought we were going to have a deduct so there actually was a previous B-11. We were going to get some money back for some software training and some program set up that we thought that they were going to be able to not spend ---- hours that day that they previously had anticipated with the contract. They wanted to get it in and get everything resolved and that didn't happen. They are going to use up that time and those original services that we thought we were going to get our money back on. The \$558.00 is the final deduct and will finish out the project as far as the total cost. We have requested previous change order B-09. It is really just the last thing to complete the dollar amounts on everything.

Mike Cornman said you mean to fill in the oxidation ditch is only going to save us \$558?

Rick said that is actually what they are paying us back, originally it was going to be nineteen hundred twenty nine dollars. They used some of that money for this software changes. They actually paid into that nineteen hundred twenty one dollars which was the engineering fees and redesign of those, oxidation ditch to use the lake side equipment. There have been a couple meetings and several lengthy discussions about how we got down to this \$558.00

Mike Cornman asked if they agree to what they are asking? Rick said yes this is what we came up with in order to get everything worked out. They meet probably 3 or 4 times

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with Reynolds and the instrumentation contractor to get all these numbers worked out. There was more discussion.

Mike Cornman recommended to the Council we approve Change Order B-09. Geraldine McIntyre so moved. Donald Ashley seconded. Motion passed 5-0.

ORDINANCE 98-14 AN ORDINANCE OF THE ELLETTSVILLE TOWN CODE
CODIFYING THE PARK AND RECREATION BOARD:

Mike Spencer informed the Council that we are not changing any of the terms we are simply assigning it a chapter number so it will become a part of the Town Code. Mike Cornman read by title only. Mike Cornman said is there a motion to submit 98-14 for first reading.

Geraldine McIntyre made the motion to accept Ordinance 98-4 for first reading. Donald Ashley seconded. Motion passed 5-0.

ORDINANCE 98-15 AN ORDINANCE TO AMEND SECTION 350-5 OF THE
ELLETTSVILLE TOWN CODE CONCERNING
DEFINITIONS:

Gina Hawkins read Ordinance 98-15. Mike Cornman said is there a motion for submission of Ordinance 98-15 for first reading. Donald Ashley so moved. Geraldine McIntyre seconded. Motion passed 5-0.

RED HILL ROAD PAVING WWTP PROJECT:

Rick Coppock said when the town got the zoning approved for the wastewater treatment plant site one of the requirements of the zoning board. We actually entered into a ----- with the County. The Zoning Board required the town to chip and seal Red Hill Road. Chip and seal is probably not a very good to repair an already paved asphalt roadway. In the winter we contacted Bill Williams at the County Highway Department and had them take a look at it and maybe they could work in paving Red Hill Road in their paving program and we could share some of the cost. Our cost for chip and seal probably would run twenty or twenty five thousand dollars after you are finished with that you still wouldn't have a very good section of roadway, was their opinion. What they discussed with Bill Williams was maybe they could add up to 3 inches or better and actually improve Red Hill Road in line with ----- County. The cost that they came up with is \$50,000 that is materials only and their crews would be doing the paving. What they would like to do is split that cost with town and have the town pay \$25,000 and they would pay \$25,000 and their crews would pave the road. Once it is all done Red Hill would be nice. The \$25,000 would come out of the sewer budget and it would fulfill our contractual obligation with the town to resurface that road -----project.

Mike Cornman asked if this would meet the agreement?

Rick Coppock said this would meet the agreement we signed.

There was more discussion on this.

Mike Cornman said to keep with our agreement to restore the right of way he would like to recommend to the Council we approve the expenditure \$25,000 out of the sewer budget for the County to pave Red Hill Road. Gina Hawkins seconded. Motion passed 5-0.

GREG HUDSON-GENERAL COMPLAINT:

He was not at the meeting.

SUPERVISORS:

UTILITY DEPARTMENT-MIKE FARMER:

Mike Farmer said it is not too early to start thinking of employee insurance. Going through the budget last year we looked at the insurance the employees have. He did minimal amount of research on how we got to that point with the insurance we have now. This is not to say we don't have good insurance now. He would like to know what they think about next year and what we should do about soliciting bids for employee insurance and how we should go about it. He has some thoughts on how he would like to approach it this year. His opinion is that none of us are insurance experts. When we talk about employee insurance and what we should have in a package and how much it should cost. He discussed this more with the council.

Mike Farmer said he is not sure if any of us are capable of bring the best benefit package we can to our employees, we may have it already, he doesn't want this to be misconstrued but he is not sure if any of us are prepared to be able to spend the time and energy and have the knowledge to bring that best benefit package to our employees. What he would like to do or at least consider, he doesn't know if it is a good idea or not. He would like to bring in a headhunter, someone who doesn't sell insurance but knows the insurance business and let them be our mediator. He has a proposal that he will present to you at a later date if you want to see it. Basically for about \$1,500 we can bring somebody in. They will start from the beginning and go to the end and make a proposal. Or they will say of all these proposals what they think is the best package. They will insure that we get all the I's dotted and t's crossed in a package we want to put before our employees. They will take it to the end and we will decide which insurance we want to go for. For \$1,500, that may sound like a lot of money, but to him it sounds like pocket change compared to what we might be able to benefit in a package that we end up with. He wants you to consider it and you don't need to vote tonight. He needs some opinions. You can call him and we can talk about it and may you have a better idea, but we do need to start thinking about it now so early fall we can send out and have this wrapped up before the next renewal period.

Mike Cornman said it probably needs to happen earlier than that because the budgetary process had to be done by the middle of August for the General Fund.

Mike Farmer said in your boxes tomorrow that he would try to copy the proposal before him. He knows the people and he can trust them to do it. You guys give it a plus and he will be ready to go for it. There was more discussion.

Mike Farmer said this year perhaps the Utilities could take the lead on this and they could hire her this year.

There was some more talk on this matter.

REVISED AGREEMENT WITH PATRICKSBURG BEAN BLOSSOM WATER CORPORATION:

Mike Spencer has the revised agreement with Patricksburg Bean Blossom Water Corporation. He would like the board to approve; revisions are based upon the comments he received from ----- attorney in Indianapolis IURC. He hadn't at that point and time had time to review the contract and make any submissions, he has now although he didn't incorporate all of his suggestions he incorporated------. He has already faxed it to Rick Lorenz the attorney for Patricksburg Bean Blossom and he has communicated with him that he didn't think -----.

Mike Cornman summarizes for the Council the changes that were made.

The following changes were made: (This comes from the fax to Rick Lorenz)

1. In the introductory paragraph, the following language was added: "This Agreement is to resolve the dispute between the parties only as to the area described in Section

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2 of this agreement and does not address any jurisdictional issues concerning any other service area.”

2. In section 4, the language was changed to read as follows: “the Town shall have the right to place lines...”
3. Sections 3,5, and 6, I have incorporated the changes made by the Bowmans.
4. In Section 5, I have added the following two sentences: “All pending litigation shall be dismissed without prejudice. Both parties shall have all remedies under law should either party breach the terms of the contract.”

Mike Cornman asked Mike Farmer to comment on the changes.

Mike Farmer said they are satisfactory.

Mike Cornman said he recommends to the Council we again approve this agreement as it stands in front of us between Ellettsville and the Bean Blossom Patricksburg Water Corporation, is there a motion to that effect? Gina Hawkins so moved. Patrick Stoffers seconded. Motion passed 5-0.

POSSIBLE AMENDMENT TO CONSTITUTION-DONALD ASHLEY:

Donald Ashley said a representative Istook from Oklahoma and he has introduced an amendment to the Constitution into the house, it will be July 22nd to hit the floor. The amendment is about prayer in schools. Opening up that channel and allowing them to have prayers in school. He discussed this with the Council and will be putting copies in the Councils mailboxes. He would like them to write your particular representative at the State and Congressmen and so on and get behind this bill so it can be passed. He (Representative Istook) has 197 positive votes and he need 294 for this to pass.

Geraldine McIntyre said Mike and her had a meeting last Thursday night with the Bloomington Hospital about getting a doctor here. They decided that we need to talk to the people in the community. The main thing is locating a place for them to put a doctor in, whether we build it or they build it. They are interested in putting a doctor in Ellettsville. Jeana Kapczynski is the chairman of the committee. There was more talk on this.

PROCLAMATION FOR EDGEWOOD SENIOR SERVICE DAY:

Mike Cornman read the Proclamation.

Mike Cornman asked is there a motion to accept this Proclamation for the Town of Ellettsville. Geraldine McIntyre so moved. Donald Ashley seconded. Motion passed 5-0.

COMMENTS:

None

ADJOURNMENT:

Mike Cornman said is there a motion to adjourn. Geraldine McIntyre so moved. Patrick Stoffers seconded. Motion passed 5-0.

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Michael D. Cornman
President

D. Geraldine McIntyre
Vice President

Donald Ashley

Patrick Stoffers

Gina M. Hawkins

Diana K. Evans
Clerk-Treasurer