

May 29, 2007

The Ellettsville, Indiana, Town Council met in regular session on Tuesday, May 29, 2007, at the Fire Department Training and Conference Room. Dan Swafford called the meeting to order at 7:30 p.m. Phillip Rogers led the Pledge of Allegiance and Sandra Hash led in prayer.

Roll Call: Members present were Dan Swafford, Vice-President; Dianna Bastin, Ted Robertson and Phillip Rogers. Sandra Hash, Clerk Treasurer and Mike Spencer, Attorney were also present. Dennis Williamson was absent.

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

Approval of the minutes

Dianna Bastin made a motion to approve the minutes for the Regular Meeting of May 14, 2007. Phillip Rogers second. Motion carried.

Action to Pay Accounts Payable Vouchers

Dianna Bastin made a motion we pay Accounts Payable Vouchers. Phillip Rogers seconded. Motion carried.

Ordinances on Second Reading

Ordinance 07-06 to annex the area known as Richland Square I

Frank Nierzwicki, Director of Planning Services presented a petition to annex approximately five acres at the corner of State Road 46 and Smith Pike. This has been approved by the Plan Commission and recommended for approval.

Dianna Bastin made a motion we approve Ordinance 07-06 to annex the area known as Richland Square I. Phillip Rogers second. Motion carried.

New Business

Agreement between the Town and H.J. Umbaugh & Associates concerning Preliminary Water and Sewage Rate Analysis

Michael Farmer, Ellettsville Utilities went over the contract provided by H. J. Umbaugh which Mike Spencer has reviewed. Mike Farmer and two Council members met with H.J. Umbaugh in February to discuss the financial health of the Town Utilities and what might be expected in the future considering capital improvement programs. The Town has not had an official analysis of the rates or finances and how they might be impacted in the future. It is good business practice to proceed with a rate analysis in both water and sewer utility.

Mike Spencer questioned the fees. Mike Farmer pointed out, in the contract; each utility is \$5,000 - \$7,000 not to exceed \$7,000. If the analyses are completed together there will be a 25% credit. Neither utility has been analyzed in quite a while so it would be economical to do both.

Ted Robertson asked the purpose of reviewing the water fees. Mike Farmer outlined some reasons. In the near future, the Town will be in need of a second water line from Bloomington. There is already a contract, from 10-12 years ago, that states the City of Bloomington will provide Ellettsville with that second connection. The water line is a 12 to 16 inch pipe running about three miles. The cost associated with this will be around \$750,000, if the Town employees do the installation. This project will generate the need to provide capital. The contract proposes:

- To assist in the development of a capital improvement program and financial program leading to funds necessary to meet the capital improvements requirements through the funds.
- Prepare amortization schedules of presently outstanding funded debt of the Water Utility extending over the life of the remaining years of payment. They will come up with a new schedule of payments and explain the best way to pay off projects of this scale.

The Sewer Utility has not had a rate increase for ten years and the cash balances have stayed the same since 1998. H.J. Umbaugh would point out the “same cash” does not have the same buying power today. The utilities are depreciating and the financial health needs reviewed. Mike and Jeff Farmer have been managing the day to day affairs, with close watch on the monies, but they are not professional accountants. It is expected to seek professional help from time to time. Both the water and sewer utilities will be reviewed.

Dan Swafford asked how often this should be done. Mike suggested it should be done every three to five years. It also depends on the health of the utilities, the amount of work being done, how aggressive the maintenance and the growth of the town. Mike clarified there is only one water line coming into Ellettsville and explained it is nearing 80% capacity. With the “boom” of building in town, we need to react sooner and install another line. Ted Robertson asked if the town will need another water tower. Mike said this has not been proposed but it is something they will need to look at and discuss with the accounting firm. The accounting firm will interview the Utilities Department to find out future capital projects and do an analysis.

Mike Spencer recommended there be an “Exhibit B” attached specifying the rates they will charge. Mike Farmer asked for this to be voted on because in the contract it states “the contract can be terminated at any time”. Mike Spencer clarified the information was provided in the last Umbaugh contract. Dan Swafford asked if other bids were received or was H.J. Umbaugh the only company. Mike Farmer explained H.J. Umbaugh has been the Town’s accounting firm for about 25 years. With their historical knowledge of the system, Mike Farmer did not see any benefit in trying to engage anyone else. Utility companies and small towns are H.J. Umbaugh’s mainstay and they are a very reputable firm. These fees are in line with what would be found elsewhere and there would be no advantage to ask for anyone else but Mike Farmer does serve the Council. There was a discussion about the fees and how they are not broken down. Mike Spencer suggests the contract list the hourly rate of the various individuals; lead accountant, clerk etc. Mike Farmer said H.J. Umbaugh will send a rate sheet including billing procedures, additional services, long distance phone services etc. Mike Farmer and Mike Spencer further discussed the contract and the fees. Dan Swafford suggested the wording in the contract be changed to satisfy Mike Spencer and also this should be tabled until an “Exhibit B” is included. Mike Spencer stated there is a difference between fees and costs. Fees are professional fees and costs are faxes, phone charges, etc. Mike Farmer went on to say the Town has not had an official accounting analysis of our utilities. H.J. Umbaugh has completed an IURC report, various preliminary studies and Storm Water; they are very willing to take comments and make changes. Dan Swafford advised Mike Farmer to work with Mike Spencer on the wording.

Dianna Bastin made a motion that we table the agreement between the Town and H.J. Umbaugh & Associates concerning Preliminary Water and Sewage Rate Analysis. Roll call vote: Ted Robertson – yes; Phillip Rogers – yes; Dan Swafford – yes; Dianna Bastin – yes. Motion carried.

New State Law concerning fireworks

Jim Davis, Ellettsville Fire Department was asked to look at an e-mail received by the Council. During the last meeting he gave the Council a copy of the law concerning fireworks. For clarification, the only thing the Fire Department regulates on fireworks is the inspection of “road side firework stands” and permanent locations of fireworks if the Fire Marshal does not inspect. The Fire Department does not enforce firework regulations. There is a new law that has passed but it falls on the shoulders of the police to enforce.

There was a brief recess

A copy of the new law was passed on to Mike Spencer for review. The new Indiana State fireworks law gives the Council control over the use of fireworks and regulates the hours at which the fireworks are shot off. Under the law, fireworks can not be prohibited by Council between June 29 and July 9 between 5 p.m. and two hours after sunset; between 10 a.m. and midnight on July 4th; between 10 a.m. on December 31 and 1 a.m. on January 1.

Jim Davis recommended this information be published in the newspaper and allow the citizens to comment. Things needed to be considered are: safety of children, noise,

enhance the quality of living in Town or not, restrict the use of personal events and enforcement might become an issue (fines and follow up). There is a lengthy definition of what “consumer fireworks” are and other issues that need to be addressed.

Dan Swafford verified with Jay Humphrey the number of calls regarding fireworks in the past years.

Dianna Bastin announced this all started with an e-mail from her ward and neighbors in Arrowhead Addition. She does not want the Ellettsville Police running to every call but she is in favor of something but does not want it to be too restrictive or take away anyone’s fun. Arrowhead Subdivision has fireworks starting the beginning of summer until the end of fall. Dan Swafford asked if this would fall under “disturbing the peace”. Jay Humphrey questioned it because of the new State Law allowing it.

Ted Robertson believes more studies need to be made before any drastic measures are taken adding there seems to be a problem in Arrowhead. Dianna would like to know the comments made now that this is on the table. She also agrees a work session might be a good idea.

Sandra Hash commented that a noise ordinance was passed but it is extremely hard to enforce. Collecting fines is a continuing problem. The clerk’s office has tried different solutions; formed an ordinance violation bureau and compiled a list but it is costly to take these to court. Due to the amount of the fines it is not worth the expense. Sandra received information on a collection agency and gave an example on how Bloomington collects fines. Ellettsville has not been able to find a method that works. She would like to see the Town refine some of the items already in place and then move on to something else.

Dan Swafford suggested putting something in the Journal. Dianna Bastin clarified the new law does not stop anyone from calling the police if they think there is a problem.

Sherry Hayes, local resident feels this is an interesting dilemma. She read the e-mail and what would distress her more is cleaning debris in her backyard. She asked if regulations could be made on the days not listed in the law because the state law is vague. Ted Robertson added the state law says what you can do but not what is prohibited. Sherry Hayes suggested having a work session with the community, board members and police officers to find a solution that might be reasonable and doable. Dianna added people have scanners and listen for the dispatch, hide and then come back out when the police are gone. Jim Davis clarified for Ted the law states “any other day of the year fireworks may be discharged from 9 a.m. to 11 p.m.”

Dan Swafford believes there are other ordinances in place that could be addressed instead of setting another ordinance.

Supervisor’s Comments

Ted Robertson asked about Ordinance 07-07 included in the packet. Sandra and Mike Spencer said there needs to be several changes made before it is presented to the Council.

Sandra Hash will be attending the State Board of Accounts Conference June 11-15. It is a requirement that all Clerk-Treasurers and their first Deputies attend. Marion will be working that week and will also sit in on the Council meeting June 11th. Sandra and Amber will have their cell phones on and they will be available if needed. This conference goes over all the law updates and budgets. Sandra has always complied with their request and it is a benefit to the Town.

Dan Swafford congratulated the Edgewood High School Class of 2007 including his daughter.

Public Comments

Kevin Daly, Vine Street resident asked about the sidewalk installation. The residents are pleased but wanted to know:

- Why they were not notified of the work being done
- Why only one side of the street

- Width of the sidewalks are overly done
- Lessening the width of the street

Dan Swafford stated the previous Council agreed to have this work completed and it was passed in October. Mr. Daly’s concern is the lack of communication. Frank Nierzwicki, Director of Planning Services explained there were vacations taken when the notifications came in and it caught everyone off when the work started. The bids were taken in a public meeting, awarded and the money was carried over from last year in a purchase order so this has been in the public record. Frank and Ted stopped by each of the residents affected with this. This project is about 45% complete. Mr. Daly explained the sidewalk is above the lawn level and hopes back filling will be done. Frank said gravel has been back filled on driveways. He will have Rick Coppock stop by Vine Street to work with the residents. Ted Robertson’s concern is the sidewalk dipping down, slanting towards the yard and his neighbors losing their lawns and landscape. Frank can not answer his concerns but will have the engineer stop by. The contractors will not leave unsafe conditions or drop offs. Ted does not think this is the Town’s responsibility to fill in these lawns or raise the sidewalks. Some sensitivity should be shown for the residents. Mr. Daly’s whole point is no one knew what was going on or what the ultimate plan was.

Frank Nierzwicki clarified the Redevelopment Commission is looking at improvements with sidewalks on both sides of the street. Dan asked Frank to get together with Kevin Daly and the Town Engineer to answer questions.

Adjournment

Dianna Bastin made a motion to adjourn. Phillip Rogers seconded. Motion carried. Dan Swafford adjourned the meeting at 8:32 p.m.

Dennis Williamson, President

Daniel Swafford, Vice-President

Dianna S. Bastin

Ted Robertson

Phillip D. Rogers

Sandra C. Hash, Clerk-Treasurer