

April 23, 2018

The Ellettsville, Indiana, Town Council met for a regular meeting on Monday, April 23, 2018, at the Ellettsville Town Hall Meeting Room located at 1150 W. Guy McCown Drive. Scott Oldham called the meeting to order at 6:30 p.m. Brice Teter led the Pledge of Allegiance followed with a prayer by Jimmie Durnil.

Roll Call: Members present were Scott Oldham, President; Kevin Farris, Brice Teter and Scott Thomas. Brian Mobley was absent. Sandra Hash, Clerk-Treasurer; Darla Brown, Town Attorney; Rick Coppock, Bynum Fanyo & Associates, Town Engineer; and Mike Farmer, Interim Town Manager; were also present.

Supervisors present were: Mike Cornman, Danny Stalcup, Jimmie Durnil, Kevin Tolloty and Jeff Farmer.

Approval of Minutes

Scott Oldham entertained a motion for approval of the minutes from the regular meeting on April 9, 2018. Kevin Farris so moved. Brice Teter seconded. Motion carried.

Accounts Payable Vouchers

Scott Oldham entertained a motion for action to pay Accounts Payable Vouchers for April 23, 2018. Kevin Farris so moved. Brice Teter seconded. Motion carried.

Cub Scout Pack 129 – Ellettsville Methodist Church Requesting Town Support to Put Up Bat Boxes

Kalip Eads, Cub Scout Pack 129, chartered with Ellettsville First United Methodist Church, announced they are embarking on a community service project involving the construction of bat boxes and locating them in the community. They hope to encourage bat survival with proper housing.

Jack Oldham, Cub Scout Pack 129, explained Bender Lumber in Ellettsville donated materials and Barbara Filtri, Naturalist from the McCormick's Creek State Park, provided instruction on how to properly construct the bat boxes. They are asking if the Town will help them get the boxes mounted within the community. Thank you for your consideration. Jason Mundy, Cub Scout Master, explained the scouts have built eight bat boxes. Boy Scout Troop 119 cut out the bat boxes and the Cub Scouts assembled and painted them. They are requesting permission on different places to mount the bat boxes and assist with installing them.

Barbara Filtri, Naturalist at McCormick's Creek State Park, explained bat boxes should be mounted 12' to 20' above the ground so people can't reach inside. The bat boxes should be near water and some place quiet. It's a fascinating project and everything has been done according to specifications.

Kevin Farris asked if they had ideas on locations. Mr. Lundy answered they would like to place the bat boxes at the ball fields because it is close to water and the poles are already there. There will be four locations because the boxes are mounted back-to-back. Mr. Oldham explained the Cub Scouts have been in contact with the Richland Township Trustee's office and have identified property around the parks. They are seeking help from the Street Department to mount the bat boxes. Jeff Farmer suggested putting the bat boxes at the Waste Water Treatment Plant. Mike Farmer asked how soon this had to be completed. Ms. Filtri answered they can be put up any time because the bats are out. It will be beneficial for the community because they eat insects. Boxes should not be moved once they are put up. Mr. Teter asked Mr. Stalcup if the Street Department had any issues putting up the bat boxes. Mr. Stalcup answered no.

Brice Teter made a motion to approve the request from Cub Scout Pack 129 and Ellettsville Methodist Church's request for Town support to put up the bat boxes. Kevin Farris seconded. Roll call vote: Scott Oldham – abstained; Kevin Farris – yes; Brice Teter – yes; and Scott Thomas – yes. Motion carried with one abstention.

Resolutions

Resolution 04-2018 Transfer of Funds

Sandra Hash, Clerk-Treasurer, explained the transfer of \$1,749 is for the slide repair at Campbell's Park.

Scott Oldham entertained a motion. Scott Thomas made a motion to approve Resolution 04-2018 Transfer of Funds. Kevin Farris seconded. Roll call vote: Scott Oldham –yes; Kevin Farris – yes; Brice Teter – yes; and Scott Thomas - yes. Motion carried.

Ordinances on First Reading

Ordinance 2018-10 to Amend Section 36.203 of the Ellettsville Town Code Regarding New Hire Status and Training for Employees

Fire Chief Mike Cornman explained the Fire Department conducted an audit of job descriptions. Errors were found in the personnel policy. This Ordinance adds descriptions and addresses a change in state law for first responders.

Ordinances on Second Reading

Old Business

Pay Application No. 7 for the Chemical Phosphorus Removal Building

Sandra Hash, Clerk-Treasurer, advised Pay Application No. 7 totals \$51,086.25. Jeff Farmer explained one item remains outstanding and will cost under \$5,000. The retainage is sufficient to cover it if it doesn't get completed. They've had the final walk-thru except for the system connecting it to the building. The building should be finished in 30 days.

Scott Oldham entertained a motion. Kevin Farris made a motion to approve Pay Application No. 7 for the Chemical Phosphorus Removal Building. Scott Thomas seconded. Roll call vote: Scott Oldham – yes; Kevin Farris – yes; Brice Teter – yes; and Scott Thomas - yes. Motion carried.

T-Mobile Lease Amendment

Darla Brown, Town Attorney, explained Blackdot has asked the Town Council to look at the draft of the first amendment to the Tower Lease with options. If it is approved, Blackdot would issue another first amendment. The first amendment is commensurate with what the Town Council approved a month or two prior. If the lease amendment is approved the Town will receive \$1,600 a month instead of \$1,800+ the Town is currently receiving. There will be a two percent increase annually over the rent for the preceding year. The Town is guaranteed a rent of 72 months totaling \$121,115.92 even if T-Mobile decides to remove its equipment. If the Town approves the agreement, then the initial term of the lease will be five years and will begin on August 1, 2018, and will renew for four successive terms of five years each unless T-Mobile notifies the Town in writing 30 days prior to the expiration of the current term. Mr. Oldham asked if there is a way for the Town to get out of the lease. Ms. Brown answered no. Mr. Oldham asked if the Town would be locked-in for 20 years. Ms. Brown replied yes, the tenant is to notify the landlord. Mr. Oldham asked the life span of the water tower. Mike Farmer answered it should be there 20 years from now. There is a service agreement to maintain the tank and ensure it is in good working order for 10-year increments. After a discussion, it was decided to ask Blackdot if they will entertain a certain period of time for the Town to give notice to end the lease agreement.

Kevin Farris made a motion to table T-Mobile's Lease Agreement. Scott Thomas seconded. Roll call vote: Scott Oldham – yes; Kevin Farris – yes; Brice Teter – yes; and Scott Thomas - yes. Motion carried.

Flood Report

New Business

6570 North Matthews Drive, Sewer Hook-On – Larry Barker, President of Eastern Richland Sewer Corporation ("ERSC")

Larry Barker, President of ERSC, requested authorization for an ERSC customer to hook-on to the main trunk line at 6570 North Matthews Drive. There is a manhole at the front of the property and two laterals tie-in to it. Mr. Thomas asked if this is for a single use house. Mr. Barker answered yes. The resident would pay the Town hook-on fee and ERSC would retain the individual as their customer. Mike Farmer explained this breaks precedent from three times before and the last person had a waiver from ERSC so they could become the Town's customer. They would not hook into the manhole. The Town, more than 10 years ago, built an 8" sewer main for people to hook-on to and it runs to the north approximately 200'.

Darla Brown, Town Attorney, expressed concerns. Four years ago, the Town was involved in very expensive litigation with ERSC at the Indiana Utilities Regulatory Commission ("IURC"). They argued over ERSC's request to exchange territory with the South Central Regional Sewer District. One of the Town's objections at the IURC was they, through ERSC, couldn't serve the area. Her thought is if ERSC wants to serve an area they should serve it. If ERSC doesn't have the infrastructure it is not the Town's problem. It sets a bad precedent to let ERSC pay the hook-on fees for the Town and then let somebody become the Town's customer if the Town's building the infrastructure so they can get service to ERSC. At least four years ago, when the IURC issued its ruling in this matter they indicated that ERSC had a cash balance of over \$3 Million. Mr. Farris asked what ERSC's current balance is. Mr. Barker answered over \$2 Million. They've been doing an extensive amount of slip lining pipes to reduce INI. Common sense is serving the customer the most reasonable and cheapest way which is tying into the manhole and paying the Town's hook-on fee for their infrastructure. ERSC can run the line to the property but he's looking at the most simplistic way to help the customer.

Jeff Farmer explained prior to the territory change there were two customers who did not have a place to hook to. Ellettsville Utilities put a spur out of their own manhole and hooked two residences to it. The last person who hooked to the same manhole was a resident in the floodplain whose mobile home had to be moved. Prior to this request, ERSC had waived the right to serve those people and they became Ellettsville customers. This new person, who has 80% completion of their home, needs to hook-on to the same spur that Ellettsville Utilities paid to extend so he's asking for a change. It is in ERSC's territory to have the fourth person become their customer on Ellettsville's sewer line. Either ERSC can run the line or they can give a waiver for the fourth person to be hooked onto Ellettsville's sewer line. They would still be Ellettsville Utilities customer and pay a hook-on fee.

Scott Oldham entertained a motion. Scott Thomas made a motion to decline this petition and to make it an option for them to become Ellettsville's customer if they're using the Town's line. Kevin Farris seconded. Roll call vote: Scott Oldham – yes; Kevin Farris – yes; Brice Teter – yes; and Scott Thomas - yes. Motion carried.

Offer to Purchase a 50' Strip of Land, Lot 15, Centennial Park

Darla Brown, Town Attorney, explained Centennial Park subdivision is being developed north of the cul-de-sac on Centennial Drive. The issue is should there be a second access so that people can get into it out of Centennial Park and that second access would be achieved through Lot 15 of Highland Park Estates. If the Town Council is inclined to make an offer to purchase part of Lot 15 from Centennial Park, LLC so it can be used as ingress/egress into Centennial Park, they would authorize her to obtain an appraisal and start from there. In eminent domain proceedings the issue is whether or not the municipality has a public purpose or whether or not the proposed acquisition would improve or advance the health, safety and welfare of the community and residents.

Scott Thomas asked the Fire and Police Chiefs if the access would benefit current and future citizens to have the direct access off the street with a street light. Chief Cornman answered yes, it would. Marshal Durnil agreed. Mr. Oldham asked if there would be issues getting a fire truck in the development with what was proposed. Chief Cornman answered no, not with what they proposed. Mr. Oldham asked if there are currently significant issues. Chief Cornman answered not significant issues. Mr. Oldham asked if they could become significant in the future with the full buildout if the proposed road isn't built. Chief

Cornman replied yes, it would. Mr. Oldham asked about any problems with sewer and water. Mike Farmer answered sewer is served by ERSC and water is already connected. Mr. Farris asked if they've broke ground. Mr. Emery answered there are no homes under construction yet, but probably will be within the next 30 to 60 days.

Marlow Swethurst, President of the Woodgate Community Association Board of Directors, spoke on behalf of the Woodgate subdivision and the welfare of the general public. Right now, they have 276 homes in Woodgate and 40% of those people use the Deer Park entrance onto State Road 46, every day, twice a day. It is really dangerous most of the day and will only get worst. Centennial Park is already being developed and all of the new homeowners will be coming through Woodgate to get over to State Road 46 which will add 60 to 80 vehicles a day. Years ago, people on Centennial Drive bought their houses with a different idea but things change over time and people have to adjust so they can do what is best for the well-being of the most people. For most of the people in the area it would be in the best interest of everyone if Centennial Drive could be connected to the Centennial Park development so that some of the traffic could be funneled to State Road 46 at the traffic signal. This would improve the safety and well-being of everybody.

Seth Cusick lives on Shadowwood and Woodgate and roads are getting bad from multiple constructions. Trying to get in/out of Woodgate is like a construction zone. The county doesn't have time to fix their roads. If traffic on the roads could be minimized maybe they could last a little longer. The roads get worse every year and there is not a plan to pave them anytime soon.

Larry Barker, member of the Woodgate Community Association, stated access off of Deer Park Drive onto State Road 46 is going to be a major catastrophe very soon. Cars fly down State Road 46. The best public safety effort they could do is allow Centennial Park subdivision to come down Centennial Drive to the street light.

Kevin Farris asked what the appraisal would cost. Ms. Brown received a quote of \$4,000 from First Appraisal Group because it has a house on it but thinks they're under the impression they need the long form used by the Indiana Department of Transportation. If they believe the house will not be impacted by the taking then the appraisal price drops to \$2,500. Mr. Oldham asked if three appraisals are needed. Ms. Brown replied they aren't required but thought they may want to have two or three quotes.

Steve Emery, attorney and member of Centennial Park, LLC, understands the appraisal has to be done according to statute. Once it is explained to an appraiser, hopefully the price will be reduced substantially. They agree it doesn't affect the value of the property because the house will remain. Mr. Oldham asked the Police and Fire Chiefs if this is the most advantageous property to cut the road through. Fire Chief Cornman answered he does not know of any other place. Centennial Park being straight is advantageous for them. It is almost perfect. Marshal Durnil added they'll be using the stoplight and Deer Park Drive is getting over run. Mr. Thomas thinks it would be best for the community and safety. Mr. Teter asked how the Town will pay for it. Ms. Hash answered it would require a review to find out if the funds are available. Mr. Oldham asked how long it would take to build the road. Mr. Stalcup answered 30 days. There was a discussion on who would be responsible for paving the road. Mr. Emery clarified the road is a connection to their subdivision and is necessary for them to develop the additional 38 lots. It is their intent to pay for the cost and have a contractor build the road to Town of Ellettsville specifications including street trees and sidewalks. The construction costs will not be the Town's responsibility. Mr. Oldham asked Ms. Brown's opinion. Ms. Brown advised if they have that commitment, it is fine.

Scott Oldham entertained a motion. Kevin Farris made a motion to ask the Town Attorney to research what the appraisals will cost and to proceed with the appraisal. Scott Thomas seconded. Roll call vote: Scott Oldham – yes; Kevin Farris – yes; Brice Teter – yes; and Scott Thomas - yes. Motion carried.

Proposal for Food Truck Friday on Sale Street by Brianna Alexander, State Farm Insurance

Brianna Alexander, State Farm Insurance, explained this came about because Bloomington said they did not have a location available for Food Truck Friday. They talked to the Ellettsville Chamber of Commerce about doing an event. After Bloomington announced there was a location for Food Truck Friday she contacted some of the food truck vendors and asked if there was still an interest. State Farm's interest in this is to bring people downtown to Sale Street and build foot traffic. Mr. Oldham asked Mr. Tolloty his thoughts. Mr. Tolloty advised it meets zoning requirements. Mr. Oldham asked if they're anticipating using the Town lot and closing Sale Street. Ms. Alexander explained they're proposing to use the parking lot at Main and Sale Streets. The parking lot would need to be closed on Fridays. Mr. Farris asked if it is a one-time event or ongoing. Ms. Alexander answered it would be ongoing once a week on Fridays. Although, Food Truck Friday is located in *The Herald-Times* parking lot, it is her understanding there are enough food trucks to serve both locations. Mr. Farris asked if she had spoken with the Heritage Trail Café. Ms. Alexander spoke with them and they like the idea of bringing people downtown and their business being seen by people who may not know they're there. They are concerned people will want to use their restroom and tables/chairs. The Heritage Trail Café would like not doing it at the lunch hour but starting later in the afternoon when they're closed. The food trucks have requested a port-a-potty, tables and chairs and entertainment. Mr. Oldham asked who pays for those things. Ms. Alexander answered food trucks pay for them in advance of the starting date. Mr. Oldham asked how many food trucks have signed on to participate. Ms. Alexander answered two, at this time and others were waiting to find out what would happen in Bloomington. The location in Bloomington is very small and can't hold many trucks. They feel confident there will be four to five trucks every week. Mr. Oldham commented when the food trucks were at the Chocolate Moose it was heavily attended. It would draw a lot of people to downtown. Is it appropriate to go in the parking lot because of the size and scope of it? There was a discussion on closing Sale Street from 5:00 p.m. to 9:00 p.m. and it was decided it was not a good idea because of the amount of traffic at that time. Mr. Oldham commented parking will be limited. Is there some other way it could be facilitated? Mr. Thomas suggested she talk to Bender Lumber. Ms. Alexander had spoken with Bender Lumber. Bender Lumber has a food truck that sets up on Saturday for their farmers market. The owner of the food truck is a member of the Chamber of Commerce and he had spoken with Bender Lumber about doing a Food Truck Friday. They discussed a different day of the week which was approved through the owner of Bender Lumber. Although that is a possibility, it doesn't bring people downtown. There was a discussion on alternative locations. Mr. Oldham suggested letting it proceed on Sale Street and see how it turns out. If it becomes a problem due to the size of it or parking then they would have discussions on moving it. It is worthwhile and imperative the Town try it. It offers a wide variety of food not currently in Ellettsville. It's a nice time and a family friendly event. Ellettsville is the perfect host for this because it is a family driven event.

Kevin Farris asked how close the Heritage Trail head is to being completed. Mike Farmer answered they've been waiting on dry weather. Mr. Farris asked how many cars the parking lot will accommodate. Mr. Stalcup answered 30. Ms. Alexander mentioned the food trucks will give a portion of the proceeds back to Main Street or to invest in the area. Mr. Oldham proposed letting them try it for 60 days and then re-evaluate it. Mr. Cornman wants to see a layout for positioning the food trucks so they meet the fire code. There is a requirement under Indiana Fire Code that if they're cooking and have grease laden vapors, they have to have a Type-1 hood system.

Valerie Dewar, member of the Ellettsville Chamber of Commerce, appreciated the comments about the food trucks. The Chamber of Commerce is in favor of this and likes the idea of it being downtown. If they're trying to draw people downtown to realize they are a community, the downtown lot is the logical place to start. She attended the Food Truck Friday at *The Herald-Times* lot and thought it was poor and Ellettsville's could be so much better. Her son's band has played at Food Truck Friday and it is amazing what a community event it can be. Thank you for considering it and for trying it downtown.

Scott Oldham asked Ms. Alexander when this will start. Ms. Alexander answered as soon as they can because the weather is starting to warm up. The food trucks are ready. Chief Cornman asked if the Town will rent the parking lot or will it be a Town sponsored event. Mr. Oldham answered it will be a Town sponsored event. It is in the Town's best interest

to bring that kind of public and community partnership downtown. Mr. Thomas suggested they stay in contact with the Police and Fire Chiefs to make sure they're all on the same page to give them the best possibility for success.

Scott Oldham made a motion to allow it for 60 days then revisit it to see if there are any modifications they need to make, what's going right or wrong, and it should involve the Town Manager and the Fire and Police Chiefs. Brice Teter seconded. Roll call vote: Scott Oldham – yes; Kevin Farris – yes; Brice Teter – yes; and Scott Thomas - yes. Motion carried.

Scott Oldham asked Ms. Dewar if the Ellettsville Chamber of Commerce could do advertising for the food trucks. Mr. Oldham thanked Ms. Alexander for bringing the opportunity to Ellettsville.

Town Council Comments

Town Manager Comments

Mike Farmer, Interim Town Manager, advised Tom Wigs, Youth Pastor for Lifeway Baptist Church, and his wife, Sarah, had a group of young people and their parents at the Heritage Trail ("Trail") over the weekend. They painted the garage door and cleared the creek bed along the Trail. They did a really good job. Thank you for committing to a community service and following through.

Sarah Eli, a resident of Ellettsville and a student at St. Mary's of the Woods College, needed to do a community action project, so she, her friends and family members hand-cleaned the playground equipment. It looks brand new. Thank you.

The Town will lose their cleaning person beginning on May 1, 2018. How do they want to proceed on who and the type of cleaning service? Mr. Oldham doesn't think adding to the duties of the current staff is a viable option as there is too much going on. The Town is short staffed. He prefers to look at other alternatives. Ms. Hash commented a couple of proposals have been received. Mr. Oldham asked if there is someone who could clean temporarily until they make a decision. Mr. Farmer stated a proposal has been received from Commercial Cleaners and they might be willing to do it on a trial basis. Mr. Oldham's issue with any business is they cannot guarantee who will be coming in. With a government facility and sensitive documents, he would like to know exactly who is in the building and when. Mr. Thomas thinks there are more options than outsourcing it. The Town has reached a point with the size of the Town that they could use someone to clean and also do maintenance. They have a lot of different people doing a lot of jobs for which they're not specialists. The Town has reached a point where they can come up with an employee who does cleaning along with other things. Mr. Oldham asked their thoughts on having someone temporarily do the cleaning for two weeks or until the next meeting. All agreed. Ms. Hash asked if they'll have someone temporarily for one month and Mr. Oldham answered yes.

Scott Thomas excused himself from the meeting due to another commitment.

Town Council

Supervisors Comments

Chief Mike Cornman presented the Fire Department's 2017 Annual Report.

Danny Stalcup advised the Deer Park Drive stormwater project has been completed. Thank you to the Utilities Department for their help. Paving for fourteen streets is almost finished. Thank you to Denise Line for the work she has done in getting grants for the work. Thank you to Kip Headdy for the extra work he had to do on the grants.

Mike Farmer, Interim Town Manager, announced the Ellettsville Unit of the Boys and Girls Club of Bloomington will host their luncheon on Friday, April 27, 2018, from 11:30 a.m. to 1:00 p.m., at Town Hall. This is the end of the Big Hearts fundraising event. Donations can still be accepted.


Thank you to the Ellettsville Chamber of Commerce for hosting a breakfast for Congressman Luke Messer at Town Hall on April 20, 2018. A lot of business people attended.

There is a balance of \$14,000 remaining in the bond. There has not been landscaping done at Town Hall. He went to C & H Lawn and Landscaping, Inc. for a proposal. He requested feedback from the Town Council before obligating funds for the landscaping. The landscaping for Town Hall will set a precedent and help other people to think they should do the same to make the Town look better. The proposal totals \$12,660. Removing the white pines will reduce it by \$1,400. Mr. Oldham commented Town Hall was built to be a 20-year facility and he would like for it to be landscaped so it looks good for the life of it. All agreed.

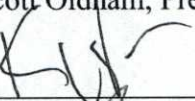
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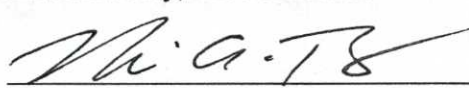
Adjournment

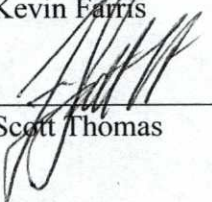
Scott Oldham entertained a motion to adjourn. Kevin Farris so moved. Brice Teter seconded. Scott Oldham adjourned the meeting at 8:08 p.m.



Scott Oldham, President

Brian Mobley, Vice President

Kevin Farris

Brice Teter

Scott Thomas

Sandra C. Hash, Clerk-Treasurer, IAMC, MMC

