

## December 27, 2018

The Ellettsville, Indiana, Town Council met for a regular meeting on Thursday, December 27, 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; Brian Mobley, Brice Teter. Kevin Farris and Scott Thomas were absent. Sandra Hash, Clerk-Treasurer; Darla Brown, Town Attorney; 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 for the regular meeting on December 10, 2018. Brice Teter so moved. Brian Mobley seconded. Motion carried.

### Accounts Payable Vouchers

Brian Mobley asked questions about the claims which were answered by the supervisors. Sandra Hash explained she had added a claim last minute that was not listed on the original emailed check register for the finance and closing fees associated with the purchase of the F550. Fees were not incorporated into the loan and had to be paid separate in the amount of \$249.50. Brian Mobley made a motion for action to pay Accounts Payable Vouchers and Payroll. Brice Teter seconded. Motion carried.

**Proclamation for Terry Black Week** – Scott Oldham presented an intro to the proclamation for the retirement of Terry Black, also known as Mr. Terry, custodian for Richland Bean Blossom School Corporation since 2004.

*Proclamation Town of Ellettsville, Monroe County, Indiana To All Present Let It Be Known:*

**WHEREAS**, Terry Black will be retiring on January 4, 2019 from the Richland Bean Blossom Community School; and

**WHEREAS**, Terry Black has lived in Ellettsville since he was 4 years old and worked at various businesses over the past sixty seven years, starting at age 9 stacking groceries at Godsey's Supermarket, followed by Cofield Drug Store, Loudens Supermarket and Frosty's Marathon before serving in the Army from 1968 through 1971 of which 2 years were in Vietnam. Upon returning from the Army, Terry worked at General Electric, Don Price and Son Construction until 1977 when he went to work for Rogers Building Supply until they closed the doors in 2006, and

**WHEREAS**, Terry Black has served the Richland Bean Blossom Community Schools loyally and with integrity since June 2006; and

**WHEREAS**, Terry Black has dedicated his time and resources to make the Ellettsville Intermediate School "EIS" run efficiently and effectively each day; and

**WHEREAS**, Terry Black has gone above and beyond attending to the needs of the Administration, Teacher and Student of EIS with diligence and perseverance no matter what the task or time of day, and

**NOW, THEREFORE**, in recognition of Terry Black's retirement, the Ellettsville Town Council does hereby proclaim the week of December 31, 2018 through January 4, 2019 as

### **TERRY BLACK WEEK!**

And urge all our citizens to THANK him for his many years of dedicated service to our community.

**ADOPTED** this 27<sup>th</sup> day of December in the year of our Lord, Two Thousand Eighteen.

### Resolutions

#### **Resolution 31-2018 Authorizing the Town Manager to Execute Documents on Behalf of the Town of Ellettsville at a Closing**

**Darla Brown, Town Attorney** explained closing for 105 W. Vine Street was originally scheduled for Friday, January 4, 2019. It has been moved to Tuesday, January 8, 2019. There is a need for someone to be present to represent the Town and sign the documents at closing. Since the Town is the buyer there shouldn't be that many documents to sign. She drafted this resolution stating that Michael Farmer as Town Manager, has been given the



authority by the council to execute whatever documents necessary to complete the transfer of the property to the Town. She asked for the council to approve the resolution to authorize Michael Farmer to sign on behalf of the Town. She revised the closing from January 4, 2019 to January 8, 2019 and she has an amended offer to purchase agreement changing the closing date to the 8<sup>th</sup> which needs a signature from Scott Oldham.

Brice Teter made a motion to approve Resolution 31-2018 to authorize the Town Manager to execute documents on behalf of the Town of Ellettsville at closing as amended. Brian Mobley seconded. Roll call vote: Scott Oldham - yes; Brian Mobley - yes; Brice Teter - yes; Motion carried.

### **Resolution 32-2018 to Transfer Funds**

**Sandra Hash, Clerk Treasurer**, explained the transfer is usual end of year housekeeping. The Police Department needed a couple of transfers, one from Uniforms and Gear to Telephone and Fax and one from Building Maintenance to Electric. Parks and Recreation needed a transfer from Miscellaneous to Electric. I also received a new directive from the State Examiner stating we were to create an additional fund to split out Motor Vehicle Highway, (MVH), proceeds into the regular MVH fund and MVH restricted fund. This was as a result of the law requiring 50% MVH of the distributions to be spent on roadwork, maintenance and repair. In order to make that more transparent in the annual report on the Gateway, it to be in its own isolated area. There is also a \$40,000.00 carryover for road work for next year paid from this distribution. In order to make the Purchase Order in the restricted fund, she had to transfer cash balance from MVH regular to this new restricted fund and that is included in this transfer. Scott Oldham asked if the MVH restricted fund would be a non-reverting fund. She replied that most all of our funds are non-reverting and they continue on from year to year, so as long as the state dictates that 50% of the MVH distributions have to be spent on roads and alleyways then the fund will be continuing or non-reverting.

Brice Teter made a motion to approve Resolution 32-2018 to Transfer Funds. Brian Mobley seconded. Roll call vote: Scott Oldham - yes; Brian Mobley - yes; Brice Teter - yes; Motion carried.

### **Resolution 33-2018 Encumbrances for 2018**

**Sandra Hash, Clerk Treasurer** explained the encumbrances were for purchases made in December or on a credit card that we have not received the statement which will be paid in January. The Clerk Treasurer's office has \$3,503.61 for the purchase of additional tables and chairs from Sam's club for large events in the conference room to prevent borrowing from the Fire Station. Also there was a purchase of 2 additional picture sound boards for the office and Bloomington IT has informed her that Town Hall would need a new server in 2019 so the Clerks portion of the cost is included in the encumbrance amount. The Planning department had \$341.39 for small purchases on their Visa. The Fire Department had some small purchases on Visa and a purchase of Defibrillator batteries from Emergency Medical Products \$2,878.83. The Police Department had some small charges totaling \$261.90 on Visa and \$40,000.00 to E & B Paving from the MVH restricted fund. Brian Mobley questioned grants for batteries on next year's purchase. Mike Cornman, Fire Chief, explained there was no grants available for batteries, only for Automatic External Devices.

Brice Teter made a motion to approve Resolution 33-2018 Encumbrances for 2018. Brian Mobley seconded. Roll call vote: Scott Oldham - yes; Brian Mobley - yes; Brice Teter - yes; Motion carried.

### **Ordinances on Second Reading**

#### **Ordinance 2018-37 to amend Chapters 73 and 74 of the Ellettsville town Code concerning Streets**

**Sandra Hash, Clerk Treasurer** explained this is for updating all the streets that have not been incorporated in the Town code. They have been in process of updating those with the Street Department and The Planning Department to assign speed limits, no parking and stop signs. Changes are published in the paper for public awareness. Ordinance requires all signatures of the Council.



Brice Teter made the motion to approve ordinance 2018-37 to amend Chapters 73 and 74 of the Ellettsville Town Code concerning Streets. Seconded Brian Mobley. Roll call vote: Scott Oldham - yes; Brian Mobley - yes; Brice Teter - yes. Motion carried.

## **Old Business**

### **Flood Report**

Brian Mobley discussed progress since the flooding 5 years ago at this time was under 3 feet of water. He expressed with pleasure the decisions being made to purchase properties and feels that the Town is moving in the right direction to help all of downtown.

## **New Business**

### **Eminent Domain – 104 West Vine Street – Chad Stephens, Pipjay Properties**

**Darla Brown, Town Attorney**, had asked last meeting this matter to be tabled until further questions she has have been answered regarding property owner getting attorney fees and what constitutes sufficient negotiations under Indiana Code that the Town is required to do before proceeding. She explained the Eminent Domain process stating you make an offer to purchase the property. That offer can be for the Vine Street property alone or coupled with the McNeely Street property. If the offer is rejected and you cannot negotiate a price for the property then a resolution will need to be passed describing the property to be acquired and why it needs to be acquired followed by filing a suit and if no agreement can be reached, the court will appoint appraisers and if you are happy with the appraised value you pay that price and acquire the property. If you are not happy with the appraisers report, you would proceed to trial. Ms. Brown cautioned that there are certain time limits. If the offer is rejected you have 2 years to file the Eminent Domain complaint for acquisition from the date of the last offer. At some point prior to trial there has to be one final attempt to the property owner and if there is a trial and the damages awarded are greater than the last settlement offer the court will give the defendant litigation expenses including attorney fees. Limited to not to exceed the lessor of \$25,000.00 or the fair market value of the defendants property. Ms. Brown asked for direction from the Council to proceed with Eminent Domain for 104 West Vine Street and or the McNeely Street property. She can prepare a resolution to be available at the next Council meeting if that decision can be decided on. Ms. Brown answered some questions from the Council and discussed they table Eminent Domain until incoming council is in to weigh in. Scott Oldham expressed concern that another buyer could intercede during the waiting process resulting in extended legal fees and other expense. Ms. Brown explained a lis pendens notice that notifies potential purchasers of the Town's interest in the property and that there is issue with negotiations. Discussion concluded with the decision to table due to upcoming changes to Council.

Brice Teter made a motion to table Eminent Domain 104 West Vine Street – Chad Stephens, Pipjay Properties. Seconded Scott Oldham. Roll call vote: Scott Oldham – yes; Brian Mobley – yes; Brice Teter – yes. Motion carried.

Scott Oldham requested new Council members receive the minutes and any information regarding this matter so they are up to date for the next meeting.

### **Letter of Credit Reduction Request for Overbrook**

Kevin Tolloty explained the developer of Overbrook Estates requested reduction of credit due to the selling off the of the remaining lots, roads are finished, trees and curb ramps are completed. Previous amount was lowered by approximately \$8,000.00. New total is \$33,625.00. Total will cover any remaining work if should it not be completed.

Brice Teter made a motion to approve the request to reduce letter of credit for Overbrook. Seconded Brian Mobley. Roll call vote: Scott Oldham – yes; Brian Mobley – yes; Brice Teter – yes. Motion carried

### **Planning Request to hire an Intern for spring**

Kevin Tolloty explained while working with a group from, School of Public and Environmental Affairs, (SPEA), in the fall semester on a hypothetical grant project on Ellettsville, one of the students inquired about an internship. The request is based on



upcoming projects for grants in the spring and the student would be a tremendous help due to his previous work with the Town. Money is available in his budget. Cost for the internship would be \$2,000.00 and would be 20 hours per week.

Brian Mobley made a motion to approve the Planning Request to hire an Intern for spring. Seconded Brice Teter. Roll call vote: Scott Oldham – yes; Brian Mobley – yes; Brice Teter – yes. Motion carried

### **Town Council Comments**

Scott Oldham thanked Kevin Farris and Brice Teter for their years of service and expressed his appreciation for all their hard work serving on the Council.

Scott Oldham addressed Mike Farmer and Jimmie Durnil and would like a report next council meeting in regard to forward momentum on helping with the town baseball league. Information requested was cost, process and benefit for the Town and the League. Mike Farmer, expressed his support to promote exercise and to help the community. Scott Oldham explained after discussion with the Township Trustee and the League, the Town has been lacking in support. Marty Stephens has always been a huge contributor to this cause and he feels the Town can be very helpful in underwriting to help out with the costs that are not being offset by the Trustee and private voluntary entities and it's time to step up. Mike Farmer suggested a work session once the new council is seated to discuss this and incorporate some of the other ideas that have been discussed for the Trail, ball diamonds and the development of the land where Town Hall sits. He stated that the secondary water line is complete so there would be an excess of funds for new proposals and moving forward with the Youth Sports as mentioned. He will work on getting the information requested to be available at the work session.

Brian Mobley thanked Brice Teter and Kevin Farris for all their hard work on the council. He commented that Santa on Sale Street went well despite the rain and expressed his appreciation with all who helped make it a success.

### **Supervisors Comments**

Jeff Farmer, discussed the 4 main pumps that control the Waste Water Treatment plant. One of the original pumps from 1997 has failed. There is a backup in place, but there is a need to purchase a new backup pump as all four pumps are needed during heavy rains this time of year. Quotes were for a standard efficiency at \$13,750.00 and a premium efficiency motor at & \$14,250.00. Jeff Farmer recommended the high efficiency pump stating that over time it will more than pay for itself in the savings. Funds are available for purchase in the equipment replacement account funded by the Town and Eastern Richland Sewer Corporation.

Brice Teter made a motion to approve the purchase of the Hydromatic Pump for \$14,250.00. Seconded Brian Mobley. Roll call vote: Scott Oldham – yes; Brian Mobley – yes; Brice Teter – yes. Motion carried


### **Adjournment**

Scott Oldham entertained a motion to adjourn. Brice Teter so moved. Brian Mobley seconded. Scott Oldham adjourned the meeting at 7:12 p.m.


  
\_\_\_\_\_  
Scott Oldham, President

  
\_\_\_\_\_  
Brian Mobley, Vice President

\_\_\_\_\_  
Kevin Farris

  
\_\_\_\_\_  
Scott Thomas

\_\_\_\_\_  
Brice Teter

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