

## January 22, 2018

The Ellettsville, Indiana, Town Council met for a regular meeting on Monday, January 22, 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. Kevin Farris led the Pledge of Allegiance followed with a prayer by Scott Thomas.

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

**Supervisors present were:** Mike Cornman, Danny Stalcup, Kevin Tolloty and Mike Farmer.

### Approval of Minutes

Scott Oldham entertained a motion for approval of the minutes from the special meeting on January 4, 2018. Kevin Farris so moved. Scott Thomas seconded. Motion carried.

### Accounts Payable Vouchers

Scott Oldham entertained a motion for action to pay Accounts Payable Vouchers. Mr. Mobley asked a question on a claim which was answered by the supervisor. Brian Mobley made a motion to pay accounts payable. Scott Thomas seconded. Motion carried.

### Resolutions

#### Resolution 02-2018 Surplus Equipment for the Fire Department

**Sandra Hash, Clerk-Treasurer**, explained this resolution is for the car used by the former Town Manager. Mr. Mobley asked if they should keep it in case they hire a Town Manager or someone for economic development. Mr. Oldham asked if this is the car the Town Manager was actually using or the one before that. Chief Cornman answered it is the car the Town Manager was just driving. If the Fire Department has to keep it they will part it out. It is beyond its usefulness for the Fire Department. It can still run but it is not in the best shape which they will state when it is advertised on eBay. Mr. Farris asked what year it is and how many miles are on it. Chief Cornman replied it is a 2003 and has approximately 80,000 miles on it. It is an old police car. Mr. Mobley would like to park it until they reach a decision later on. Mr. Farmer agreed and if they decide to get rid of it there may be some other opportunities due to replacing Street and Utilities vehicles.

Scott Oldham entertained a motion. Brian Mobley made a motion to table this for review in three months. Scott Thomas seconded. Roll call vote: Scott Oldham – yes; Brian Mobley - yes; Kevin Farris – yes; and Scott Thomas – yes. Motion carried.

### Ordinances on First Reading

### Ordinances on Second Reading

### Old Business

#### Flood Report

**Brian Mobley** displayed a proposal from the Indiana Department of Natural Resources (“DNR”) for the Utilities building. He received a price of \$620,000 to put in a retention pond and culverts which the Town can’t afford. The culverts cost approximately \$240,000. The discussion changed to the land north of Main Street and behind Thurman’s Body Shop (“Thurman’s”). He is proposing to dig out trenches which can be done in-house. It will take eight months to get it processed. It will take some pressure off of the downtown area. The DNR says the Town needs to work downstream instead of upstream. If it starts to flood the trenches will channel the water.

**Scott Oldham** asked if the Town owns the land. Mr. Mobley stated a sewer line runs behind Thurman’s Body Shop and there are three houses owned by Mr. Thurman. The Town would have to get easements to regrade it making a swale for the water to filter into a creek behind the church. Mr. Oldham asked Mr. Coppock what is involved in obtaining



permits. Mr. Coppock explained a computer model would have to be done and submitted to the DNR which will cost approximately \$25,000 to \$50,000. A model has been done but it has to be updated and resubmitted to the DNR with the proposed changes to the creek area. They're providing more storage area when flooding events occur. The angle where the water goes under the bridge will also be changed. DNR recommended to turn it so there would be a 90° approach underneath the bridge. One of the sections under the bridge is almost filled to the top which is the way it was designed because the Town has a sewer that works as an invert siphon. When the bridge was constructed sometime around 1983, they didn't move the sewer so that's the way it was built. It would not be a big expense to change the sewer to open up the other section underneath the bridge. Digging below the high-water mark is not allowed.

**Kevin Farris** asked how much water they thought it would diverge. Mr. Mobley answered it would be a 1' reduction behind Thurman's. Mr. Farris supports anything that may help but doesn't want to spend \$20,000 on something that may not. Mr. Coppock commented anything they do will not drop it 2' or 3'. Mr. Farris asked if this is DNR's idea. Mr. Mobley answered yes, it's the DNR and the Federal Emergency Management Agency's recommendation. He wants to start moving forward and this is why he asked for the stormwater increase in 2017. Mr. Oldham asked where the funding is coming from for the modeling. Mr. Mobley replied it will be from the increase in stormwater fees. Ms. Hash commented an increase of \$40,000 was projected, however, it has not been a full year. Mr. Mobley commented it is uncertain when the Stewart property will be paid off but the Town is paying \$26,000 a year. Mr. Oldham asked for clarification of Mr. Mobley's proposal.

**Rick Coppock, Bynum Fanyo & Associates**, explained they have to put together a scope of what the work would be. Then, put out a request for proposal ("RFP") to find out what the engineering fees would cost. Mr. Mobley confirmed the work would be done in-house. Mr. Coppock agreed. Engineering fees are for computer modeling, design of the grades and permit fees. When the permit is issued then the work can be done in-house. Mr. Oldham clarified they're asking for an RFP to be sent out. Mr. Mobley answered yes. Mr. Coppock stated previously the DNR did a model of the creek and rough estimates. Going forward, they would have to do a detailed study of the creek, have grades and an actual plan for the DNR to look at. The preliminary work should speed up the permitting process. Mr. Oldham asked who will write the RFP. Mr. Coppock answered they will work on it and prepare the scope. Mr. Oldham asked Ms. Hash to prepare a projection of how much the stormwater fund will have in it at various times throughout the year. Mr. Thomas asked when they have the modeling it will give them an idea of what to do such as changing the topography. Should they touch base with the landowners before preparing the scope? Mr. Coppock replied landowners do not have to be contacted first but it would help because they're the people who will be affected. The work to be done will be closer to the creek than back yards. Mr. Farmer added there is a sewer line to protect. Mr. Oldham asked if the dirt to be removed can be added to make a berm on the non-creek side. Mr. Coppock answered yes, it could be done but if a berm is built there still has to be some where for the water to go. There was a consensus for Mr. Coppock to draft the RFP.

## **New Business**

### **Agreement between the Town of Ellettsville and T-Mobile**

**Mike Farmer, Ellettsville Utilities**, explained T-Mobile is represented by Blackdot, a company who handles their leases/rentals for any structures they may need to build for antennae. Blackdot contacted the Town because they're ready to end their first five-year rental with T-Mobile and they have proposed a change to the lease agreement. In 2009, the Town agreed to let T-Mobile build an antenna on top of the tank for \$1,500 monthly. There is a 3% increase every year so their rental fee is now \$1,913. Blackdot has proposed paying \$1,600 with a 2% increase each year and a guarantee of 72 months. The other option is rent of \$1,800 with no escalation and rent guaranteed for 72 months. The total rent guarantee for \$1,800 a month is \$129,600. For \$1,600 a month and a 2% escalation every year, the total with the rental guarantee of 72 months would be \$121,115. Mr. Farmer asked why the Town would want to consider the option with the lesser amount. Blackdot told him assuming they renew for another five years the escalation on \$1,600 would eventually



come into some money. The other option is to continue and if they decide not to continue to rent they would have to remove their gear from the water tank.

**Kevin Farris** asked if they proceed with what they have currently does that revert to an annual agreement. Mr. Farmer explained to continue as they are now there will be a 3% escalation every year. Ms. Brown added this year is the last year of their second five-year term. Mr. Farris asked how many options there are. Ms. Brown answered five in addition to the first five years. They have until January 2019, to decide they don't want to do this anymore. Mr. Farmer mentioned Blackdot also represents AT & T. The AT & T contract also started at \$1,500 and after the first five years it increased 7.5%. Mr. Farris asked if this is the last year for AT & T. Mr. Farmer replied yes, and their contract date was July 8, 2013. Ms. Brown noted the contract with T-Mobile was signed on January 22, 2009. Mr. Farris prefers to table this matter because Blackdot represents both companies and T-Mobile's contract does not expire until January 2019. Mr. Farmer mentioned the funds received from antennae leases goes into a fund for tank maintenance. The original landowner has a deed restriction requiring Utilities to split the lease rental with them. Mr. Oldham asked if it would be permissible to offer T-Mobile and AT & T \$1,800 each, per month, as they're represented by the same leasing agent. Many citizens have cell service only so it is in their best interest to make certain they're providing the best cell service possible. Mr. Farmer will send Blackdot an email regarding Mr. Oldham's suggestion.

#### **Agreement between the Town of Ellettsville and Boyce Systems**

**Mike Farmer, Interim Town Manager**, met with Sandra Hash, Clerk-Treasurer, and Becky Wines, Utilities Office Manager, to discuss how much information is accessed and the reason the old accounting software has been kept for so long. He doesn't think the reasons are there any more and they can't wait for an audit forever. It's his opinion to let the agreement expire in February. Ms. Hash said she still uses the software for fixed assets but she can get along without it.

Scott Oldham entertained a motion to not pursue the agreement between the Town of Ellettsville and Boyce Systems. Kevin Farris made a motion to not pursue the agreement between the Town of Ellettsville and Boyce Systems. Scott Thomas seconded. Roll call vote: Scott Oldham – yes.

**Brian Mobley** asked when the current agreement ends. Ms. Hash answered mid-February 2018. She updated fixed assets through the end of 2017.

The roll call vote on the aforementioned motion continued: Brian Mobley - yes; Kevin Farris – yes; and Scott Thomas – yes.

Scott Oldham entertained a motion to table the T-Mobile agreement pending information or negotiations. Kevin Farris so moved. Scott Thomas seconded. Roll call vote: Scott Oldham – yes; Brian Mobley - yes; Kevin Farris – yes; and Scott Thomas – yes. Motion carried.

#### **Seven Oaks Charter School (“Seven Oaks”) Request to Place Banner in Indiana Department of Transportation Right-of-Way**

**Kevin Tolloty, Planning Director**, explained Town Code requires Town Council approval for signs in the right-of-way. Seven Oaks has requested to put a banner in the right-of-way. Planning's concern is there is room to put the banner on their property if they would move it back 5'. Mr. Farris asked if the Indiana Department of Transportation (“INDOT”) has provided input. Mr. Tolloty answered INDOT has given their approval. Their request for a Temporary Permit was approved for the banner to be put where their big sign was formerly located on their property. Mr. Oldham commented placement of the banner has no bearing on site lines.

Scott Oldham entertained a motion. Kevin Farris so moved. Scott Thomas seconded. Roll call vote: Scott Oldham – yes; Brian Mobley - yes; Kevin Farris – yes; and Scott Thomas – yes. Motion carried.

#### **Town Council Comments**

**Brian Mobley** appreciated the work the Street and Utilities Departments did on snow removal.

**Scott Thomas** has heard nothing but good comments on how Ellettsville streets are maintained. There were a couple of complaints about State Road 46.

### **Supervisors Comments**

### **Privilege of the Floor**

### **Adjournment**

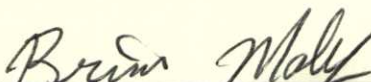
Scott Oldham entertained a motion to adjourn.

**Sandra Hash** asked if they have heard from anyone about serving on the Animal Control Board. Mr. Mobley replied he and another person have discussed splitting serving on it. He will find out when the meetings are held.

Kevin Farris so moved on the Motion to Adjourn. Scott Thomas seconded. Scott Oldham adjourned the meeting at 7:11 p.m.



Scott Oldham, President




Brian Mobley, Vice President



Kevin Farris

Brice Teter



Scott Thomas



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