

August 13, 2018

The Ellettsville, Indiana, Town Council met for a regular meeting on Monday, August 13, 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 Jimmie Durnil.

Roll Call: Members present were Scott Oldham, President; Kevin Farris, Brice Teter and Scott Thomas. Brian Mobley, Vice President, was late and Brice Teter left the meeting early. Sandra Hash, Clerk-Treasurer; Darla Brown, Town Attorney; and Mike Farmer, Interim Town Manager; and 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 Executive Session and regular meeting on July 23, 2018. Kevin Farris so moved. Brice Teter seconded. Motion carried.

Scott Oldham entertained a motion for approval of the minutes for the Budget Session on July 25, 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. Kevin Farris made a motion to pay payable vouchers. Brice Teter seconded. Motion carried.

Presentation of the H.J. Umbaugh ("Umbaugh") Comprehensive Financial Plan (2016 – 2020)

Paige Sansone, CPA, Umbaugh, presented a summary of the Comprehensive Financial Plan ("Plan"). Purpose of the study was to outline the Town's current financial position, forecast receipts and disbursements through 2020, identify potential funding gaps and outline possible funding solutions. Intended results are to provide a baseline for future financial operations, develop a financial model that will evolve as different needs arise and as priorities change and provide a guide to preserve current financial position. The 2019 budget is included in the Plan. The 2019 budget is close to being balanced. The Plan is to be a working document that can be updated.

Russ Ryle is a retired CPA and is uncertain that adopting a fire district will increase revenue because it comes out of the same pot of money that has the 3% increment. Aren't they shifting from the left to the right pocket because they're still dealing with a 3% yearly increase? Ms. Sansone explained it is a fire territory and the statute allows the Town to increase the overall taxes. While there is an increase to taxpayers there is a whole new maximum levy above and beyond what the Town has currently. Mr. Ryle asked if it is under the cap. Ms. Sansone answered no, it creates a separate cap for fire services. Circuit breaker still applies. Mr. Ryle asked if the Rainy Day Fund should be a particular percentage in the General Fund Budget. Ms. Sansone replied it is up to the Town and their policies. Mr. Ryle complimented Ms. Sansone on the Plan.

Ed Bitner is a previous resident of Ellettsville. The Plan does not discuss that residences are capped at 1% which is the house and garage. Other buildings on the property are taxed at 3%. As a candidate for Bean Blossom Trustee he is interested in fire territories and, if elected, would like the opportunity to discuss this with Ellettsville.

Appointment to the County's Animal Management Commission

Sandra Hash advised Monroe County Animal Management Commission would like someone to be appointed to their board. After a discussion, it was decided this would be discussed further at the next Town Council meeting.

Resolutions

Resolution 15-2018 to Adopt a Fiscal Plan for 5169 W. McNeely Street Annexation

Kevin Tolloty, Planning Director, explained the annexation will bring minimal taxes and will not be an additional cost to the Town.

Scott Oldham entertained a motion. Brice Teter made a motion to adopt Resolution 15-2018 to Adopt the Fiscal Plan for 5169 W. McNeely Street Annexation. Kevin Farris seconded. Roll call vote: Scott Oldham –yes; Kevin Farris – yes; Brice Teter – yes and Scott Thomas - yes. Motion carried.

Resolution 16-2018 to Adopt the Monroe County Multi-Hazard Mitigation Plan (“Mitigation Plan”)

Allison Moore, Director of Monroe County Emergency Management Agency, provided the updated Mitigation Plan prior to the meeting. A committee consisting of Stinesville, Ellettsville, county and city representatives was formed. Although the Mitigation Plan is required to be updated every five years, it has not been done since 2010. The Police, Fire, Utilities and Planning Departments in Ellettsville were very helpful and were part of putting the plan together. The plan was submitted to the Indiana Department of Homeland Security who then submitted it to the Federal Emergency Management Agency “FEMA”. After many months of review, the plan was accepted with no changes or suggestions. On July 18, 2018, the plan was adopted by Monroe County Commissioners. She is requesting a resolution to support the Mitigation Plan. If there was to be a disaster in Ellettsville, residents would be able to apply for FEMA reimbursement and have a better chance of getting it reviewed and receiving funding if the Mitigation Plan has been endorsed. Mr. Farris asked if FEMA funds have been received in the past. Ms. Moore answered 2014 was the last year funds by FEMA have been received. Ms. Hash advised the Town and some of its residents benefitted from FEMA contributions when there was a tornado.

Scott Oldham entertained a motion. Kevin Farris made a motion to adopt Resolution 16-2018 to Adopt the Monroe County Multi-Hazard Mitigation Plan. Brice Teter seconded. Roll call vote: Scott Oldham –yes; Kevin Farris – yes; Brice Teter – yes; and Scott Thomas - yes. Motion carried.

Ordinances of First Reading

Ordinance 2018-17 Vehicle Excise Surtax and Wheel Tax Ordinance

Sandra Hash, Clerk-Treasurer, explained a draft of the wheel tax ordinance had been prepared. Mr. Farris was not in favor of the wheel tax. Mr. Thomas asked if it was reviewed in 2017. Ms. Hash answered it was but the Town did not realize MVH would have to be cut by \$149,000 in the 2019 budget. The Town is receiving its levy increase and more local income tax but is losing more than that due to circuit breakers. All of the funds would go toward road repair. Mr. Thomas asked the impact per vehicle. Ms. Hash answered in the resolution it is \$25 for passenger vehicles, \$15 for motorcycles, \$25 for trucks under 11,000 pounds and \$15 for any other motor-driven cycle once a year and is called a “License Excise Tax”. Wheel Tax refers to vehicles over 11,000 pounds, i.e., buses, recreational vehicles, semi-trailers, tractors, trailers and trucks and the cost would be \$40 per year. Vehicle excise surtax and wheel tax would bring in approximately \$140,000 yearly which is what the Town wasn’t able to fund in MVH. Mr. Teter asked if there is a way to tax only larger vehicles excluding passenger cars, motorcycles, motor-driven cycles and trucks with a declared gross weight under 11,000 pounds. Ms. Hash replied both taxes have to be adopted. Mr. Tolloty added the rate for passenger cars could be lowered to \$7.50.

Ed Bitner moved out of Ellettsville due to the high tax rate. Ellettsville is the highest tax rate unit including utility rates in the county. Will people with an Ellettsville address be taxed or those living in the Corporate Town of Ellettsville? Ms. Hash answered those living in the Corporate Town of Ellettsville. Mr. Bitner asked how the license branch will know who lives in the Corporate Town of Ellettsville? Ms. Hash explained if someone lives outside of Ellettsville and the box for municipal wheel tax has an amount in it, it can be challenged. The county and state have programs that determine who lives in/out of Town. The Town receives the distribution after the fact. Mr. Bitner commented people who now have cars already pay a wheel tax and now it will be added for those living in the

Corporate Town of Ellettsville. Does the tax already there shift or will they be double taxed? Mr. Oldham stated nothing has been adopted. It would be a special tax independent of the state tax already levied. Mr. Bitner has an Ellettsville address and is concerned he will be charged the tax when he goes to the Bureau of Motor Vehicles.

Darby McCarty, Owner of Smithville Communications, advised the wheel tax increase would cost their company \$3,600.

Pat Wesolowski stated there has been a food and beverage tax increase, \$1 stormwater increase, and gas will increase \$.01 in 2019. It may not sound like much but it adds up and the elderly won't be able to pay it. They need streets. He's under the impression the Town is wanting to purchase property. If the Town can't afford to pay for streets, how can it afford to purchase property? The Town needs to sit back and think. Mr. Thomas stated it wasn't mentioned that the Town took a LOIT increase and there is the potential for a fire district. There was a discussion on whether or not Town buildings were paid off.

Kevin Farris advised he will vote no. Mr. Thomas agreed. Remember at election time who voted to raise taxes. People vote for who sits on Town Council and they should make them accountable. Mr. Oldham is not inclined to support the ordinance because it is a big hit. He understands they need to watch local roads and streets, it will adversely affect those who can't afford to pay it. Yes, it will affect businesses but \$3,600 will not put Smithville out of business. Ms. Hash commented one blown tire from a pot hole would be more than \$25 a year.

Ordinance 2018-18 to Amend Ordinance 2012-17 to Allow Cumulative Capital Development ("CCD") Fund to be Used for All Purposes as Set Out in I.C. 36-9-15.5

Sandra Hash, Clerk-Treasurer, explained a suggestion from Umbaugh's study is that the CCD fund can be used for all purposes. Mr. Farris asked if there is a drawback. Ms. Hash answered currently, the Police Department is using 100% of the CCD fund. In 2009 – 2010 when the Town lost money due to the inventory tax, all of the IT expenses were shifted to CCD and then gradually reverted back to the General Fund. Thus, freeing CCD funds for the Police Department. By allowing it to be for any purpose, there may be another department who would need a capital improvement. Mr. Oldham thinks it gives a future Town Council the ability to raid the fund for other purposes. Mr. Thomas thinks, however, if the money had been available from the CCD fund several months ago they wouldn't have had to get a temporary loan from the Rainy Day Fund. Ms. Hash noted CCD funds can be controlled in the budget process.

Ordinance 2018-19 to Amend Section 36.136 of the Ellettsville Town Code Regarding Police Vehicles

Town Marshal Jimmie Durnil explained the ordinance gives the authority to have the police cars assigned to officers to include off duty use. Chief Cornman requested it be amended to include the Fire Department chief officer vehicles. Mr. Oldham asked Chief Cornman to work with the Town Marshal on the amendment.

Darla Brown, Town Attorney, advised the next few proposed ordinances are amendments to the personnel policy. As the ordinances are on first reading, Mr. Oldham read the titles of the ordinances listed below and there was a discussion on amending 2018-25.

Ordinance 2018-20 to Amend Section 36.101 of the Ellettsville Town Code Regarding Definitions

Ordinance 2018-21 to Amend Section 36.106 of the Ellettsville Town Code Regarding Selection of Job Applicants for Extension of Job Offers

Ordinance 2018-22 to Amend Section 36.109 of the Ellettsville Town Code Regarding Orientation of New Employees

Ordinance 2018-23 to Amend Section 36.100 of the Ellettsville Town Code Regarding the Recruitment and Hiring of New Employees

Ordinance 2018-24 to Amend Section 36.112 of the Ellettsville Town Code Regarding Performance Evaluations for Employees

Ordinance 2018-25 to Amend Section 36.113 of the Ellettsville Town Code Regarding Employment Hours and Wage Administration

Ordinance 2018-26 to Amend Section 36.116 of the Ellettsville Town Code Regarding Classification and Pay System Maintenance

Ordinances on Second Reading

Ordinance 2018-16 to Annex 5169 West McNeely Street

Kevin Tolloty, Planning Director, explained the proposed annexation was before the Plan Commission on July 12, 2018, and received a unanimous recommendation with Residential 1 zoning. The parcel is 14.5 acres, has a McNeely Street address, will be subdivided for three single-family homes and will be accessed through Union Valley Farms.

Scott Oldham entertained a motion. Kevin Farris made a motion to adopt Ordinance 2018-16 to Annex 5169 W. McNeely Street. Scott Thomas seconded. Roll call vote: Scott Oldham –yes; Brian Mobley – yes; Kevin Farris – yes; Brice Teter – yes; and Scott Thomas - yes. Motion carried.

Old Business

Flood Report

Brian Mobley advised the Flood Report will be moved to New Business when the Agreement for Floodplain Modeling and Design is discussed.

Pay Application No. 8 for the Chemical Phosphorus Removal Building and Change Order No. 1

Jeff Farmer, Ellettsville Utilities, explained this is the last payment and the project has been completed. They're required to start treating with alum to remove the phosphorus on September 1, 2018.

Scott Oldham entertained a motion. Scott Thomas made a motion to pay Application No. 8 for the Chemical Phosphorus Removal Building and Change Order No. 1. Brice Teter seconded. Roll call vote: Scott Oldham –yes; Kevin Farris – yes; Brice Teter – yes; and Scott Thomas - yes. Motion carried.

New Business

Agreement Between the Town of Ellettsville and Christopher B. Burke Engineering, LLC for Jacks Defeat Creek Floodplain Modeling and Design

Meg Butcher, Christopher B. Burke Engineering, is very excited about the project. Mr. Oldham asked how it will be funded. Ms. Hash answered from stormwater. Christopher Burke Engineering has requested a group of people to work with.

Scott Oldham entertained a motion. Brian Mobley made a motion to agree with the Agreement between the Town of Ellettsville and Christopher B. Burke Engineering for the floodplain modeling. Scott Thomas seconded. Roll call vote: Scott Oldham –yes; Brian Mobley – yes; Kevin Farris – yes; Brice Teter – yes; and Scott Thomas - yes. Motion carried.

Agreement Between the Town of Ellettsville and Eastern Richland Sewer Corporation ("ERSC") to Hire an Independent Utility Rate Consultant

Darla Brown, Town Attorney, explained in May 2017, the Town passed an ordinance to amend the sewer rate. ERSC objected to the rate and filed litigation against the Town. ERSC's counsel suggested they and the Town hire an independent rate consultant to determine a fair sewer rate for the Town. An agreement has been drafted and passed along to Mr. Carmin, ERSC's attorney. If the Town Council approves of the agreement, she

suggested it be passed at this meeting as well as a separate motion giving her authority to revise the agreement, as necessary, to protect the Town's interest.

Scott Oldham entertained a motion. Kevin Farris made a motion to adopt the Agreement Between the Town of Ellettsville and Eastern Richland Sewer Corporation to Hire an Independent Utility Rate Consultant and giving Ms. Brown the authority to amend the Agreement as she sees necessary to protect the Town's interest with what counsel decides needs amending. Brice Teter seconded. Roll call vote: Scott Oldham –yes; Brian Mobley – yes; Kevin Farris – yes; Brice Teter – yes; and Scott Thomas - yes. Motion carried.

Police Department Request to Change the Detective/Evidence Technician to Sergeant

Town Marshal Jimmie Durnil requested to add the designation of Sergeant to the Detective/Evidence Technician. He is short an evening shift supervisor and Detective Chaudoin is currently working triple duty. There will be no change in the pay rate. Mr. Mobley asked if he currently has supervisory authority. Marshal Durnil answered he does but it is assumed. Mr. Mobley questioned why the rank was needed if he has access to the computers and is already a supervisor with the rank of Detective. Marshal Durnil replied that would work if he has an evening shift supervisor which he does not. Mr. Oldham asked if the policy states a detective is a supervisor. Marshal Durnil answered yes, it does in the Salary Ordinance. Mr. Oldham asked if it delineates supervisory authority over everything. Marshal Durnil doesn't know why he would have supervisory authority without the rank of Sergeant. Mr. Oldham commented it's functional authority versus administrative authority.

Scott Oldham entertained a motion. Kevin Farris made a motion to allow the Police Department to add the rank of the Sergeant to Detective/Evidence Technician. Scott Thomas seconded.

Sandra Hash, Clerk-Treasurer, asked if the title will be Detective Sergeant/Evidence Technician. Marshal Durnil answered yes.

Roll call vote on the aforementioned motion: Scott Oldham –yes; Brian Mobley – yes; Kevin Farris – yes; Brice Teter – yes; and Scott Thomas - yes. Motion carried.

Utility Department Request to Hire a Temporary Full Time Laborer

Mike Farmer, Ellettsville Utilities, explained the Street and Utilities Departments have an aggressive schedule for the next six months. The Utilities Department lost two employees to another utility who were not replaced because of the potential merger of the Street and Utilities Department. This year they did not hire a temporary full time employee. He requested permission to hire Chris Arthur as a temporary full time employee at \$18.50 an hour. Mr. Arthur's employment will end on December 31, 2018. Mr. Mobley asked if the Street Department will be hiring someone. Mr. Farmer recommended to the Street Superintendent that they hire someone as well.

Scott Oldham entertained a motion. Kevin Farris made a motion to hire a new Utilities Department temporary full time laborer effective immediately at \$18.50 an hour. Brice Teter seconded. Roll call vote: Scott Oldham –yes; Brian Mobley – yes; Kevin Farris – yes; Brice Teter – yes; and Scott Thomas - yes. Motion carried.

Fire Department Presentation

Fire Chief Mike Cornman began his presentation by explaining the Fire Department has been worrying about funding for 16 years not only with the Town of Ellettsville but Richland Township. They're in the process of preparing a vision statement that will define what they do for the community and who they serve. Salaries need to be brought in line with other agencies in the region. The original 2019 budget was presented with a \$95,000 increase and no additional staffing. They want a sustainable budget. Firefighters are not responding as safely as they should be and are operating almost at a dangerous level. The Fire Department will need to partner with someone to capture the assessed valuation. Previous township trustees and advisory boards allowed for raises within the contract but didn't approve the budget of the General Fund for the Township. Therefore, they incurred a deficit of as much as \$110,000. The current Trustee has helped by using his CCD funds and will try to do so in 2019. Loss of the inventory tax in 2009 also resulted in loss of some

of the assessed valuation. Tax caps have put the Fire Department in a bad spot. Since 2014, the tax rate for the Town has decreased by \$.03 and the Township tax rate increased by \$.02 in 2018. Monroe County Community School Corporation's budget is \$35 Million and their circuit breaker which they draw from nine townships is \$348,000. Richland-Bean Blossom Community School Corporation circuit breaker from two townships is \$317,000. They can't ask for a referendum on fire protection. The Public Safety Local Income Tax is a band-aid. In 2003, an average of eight people responded to a house fire. In 2017, five people from Ellettsville responded to a house fire 60% of the time. They cannot continue to operate this way. He needs eight firefighters on duty daily which requires \$1.3 Million. There could be combinations of full-time, part-time or volunteers which would lower that amount. Options are a fire protection territory, fire protection district, merger or consolidation. There have been talks with Washington Township and the City of Bloomington Fire Chief and officers. He wants to prepare an action plan to ensure long term adequate fire protection for the community and have something in place by January 1, 2019. He requested involvement of the elected officials to begin the process and make it work. Mr. Mobley suggested involving county commissioners or billing them for runs outside of Ellettsville. Mr. Oldham noted the townships have fire departments as a mandate, not the county. Mr. Mobley suggested having the City of Bloomington take over Station 8 and move the personnel to Station 7.

Ed Bitner thinks it could not be ready by January 1, 2019, because of elections. He doesn't see people working toward that without the assistance of elected officials. The start date is far-fetched. Chief Cornman clarified it is not an actual start date but a date to begin the plan and there would have to be a hearing after an option has been selected.

Valerie Dewar has confidence in the Fire Department. In Chamber of Commerce meetings there are comments about how quickly the Fire Department responds and that they have such good service. She understands they make runs out of the Town and sometimes there is a reconciliation meeting to discuss the same. Is this still done? Chief Cornman explained they prepare annual reports which are sent to other fire departments. They are given back what they provide to the City of Bloomington, Van Buren Township and Northern Monroe. However, that is not the case with Bean Blossom Township. Ms. Dewar hopes if partnering with the City of Bloomington is an option, that it becomes more congenial.

Town Council Comments

Supervisors Comments

Town Manager's Comments

Privilege of the Floor

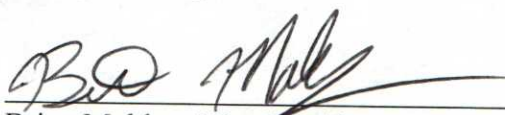
Ed Bitner stated it was a pleasure attending the meeting and appreciated it being run the way it is suppose to be.

Adjournment

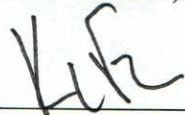
Scott Oldham entertained a motion to adjourn. Kevin Farris so moved. Scott Thomas seconded. Scott Oldham adjourned the meeting at 8:13 p.m.



Scott Oldham, President



Brian Mobley, Vice President



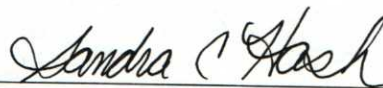
Kevin Farris



Brice Teter



Scott Thomas



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