

**NASHVILLE TOWN COUNCIL MEETING
THURSDAY, JULY 15, 2010**

ATTENDANCE – Council members present – President Roger Kelso, Vice-President Robert Kirlin, Councilmember Sean Cassiday, Councilmember Charles B. King and Councilmember Arthur Omberg. Also in attendance – Town Superintendent Roger Bush, Chief Administrator Phyllis Carr, Town Marshal Stephanie Loerzel, Town Attorney Jim Roberts, Clerk-Treasurer Brenda K. Young and Deputy Clerk-Treasurer Debbie Ferry.

REGULAR COUNCIL BUSINESS

1) CALL TO ORDER by President Kelso at 7:00pm.

2) PLEDGE OF ALLEGIANCE

3) ROLL CALL by Clerk-Treasurer Young.

4) APPROVAL OF AGENDA

Vice-President Kirlin made a motion to accept the agenda as presented. Councilmember King seconded the motion. All were unanimously in favor.

5) OPENING OF THE BIDS FOR THE SEWER EXPANSION PROJECT

Tony Akles of Strand Engineers explained they are bidding two contracts; contract one is for the Wastewater Treatment Plant and contract two is for the collection system. He opened the bids in the following order:

- Thieneman Construction Company of Westfield, Indiana bidding on contract #1 with a lump sum bid of \$2,824,000.00. Alternate #1 bid was \$75,000.00, Alternate #2 bid was \$137,200.00, Alternate #3 bid was \$100,000.00, Alternate #4 bid was \$205,000.00. The bid bond and addendum acknowledgement were present.
- Central Engineering Construction Company of Greenfield, Indiana bidding on contract #2 with a lump sum bid of \$2,071,675.00. Alternate #1 bid was \$43,000.00, Alternate #2 bid was \$129,000.00, Alternate #3 bid was \$118,000.00, Alternate #4 bid was \$31,300.00. The bid bond and addendum acknowledgement were present.
- Reynolds Incorporated of Orleans, Indiana bidding on contract #2 with a lump sum bid of \$2,499,745.00. Alternate #1 bid was \$41,630.00, Alternate #2 bid was \$135,470.00, Alternate #3 bid was \$123,765.00, Alternate #4 bid was \$4,120.00. The bid bond and addendum acknowledgement were present.
- Tramco Incorporated of Indianapolis, Indiana bidding on contract #2 with a lump sum bid of \$2,632,380.00. Alternate #1 bid was \$39,500.00, Alternate #2 bid was \$125,800.00, Alternate #3 bid was \$115,000.00, Alternate #4 bid was \$17,250.00. The bid bond and addendum acknowledgement were present.
- Brackney Incorporated of Brookville, Indiana bidding on contract #2 with a lump sum bid of \$2,324,886.50. Alternate #1 bid was \$41,750.00, Alternate #2 bid was \$133,000.00, Alternate #3 bid was \$116,000.00, Alternate #4 bid was \$3,200.00. The bid bond and addendum acknowledgement were present.

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- Shook Construction of Indianapolis, Indiana bidding on contract #1 with a lump sum bid of \$2,795,000.00. Alternate #1 bid was \$65,000.00, Alternate #2 bid was \$170,000.00, Alternate #3 bid was \$89,000.00, Alternate #4 bid was \$190,000.00. The bid bond and addendum acknowledgement were present.
- Graves Plumbing Company of Switz City, Indiana bidding on contract #1 with a lump sum bid of \$2,929,292.00. Alternate #1 bid was \$74,747.00, Alternate #2 bid was \$242,424.00, Alternate #3 bid was \$101,101.00, Alternate #4 bid was \$373,737.00. The bid bond and addendum acknowledgement were present.
- Mitchell & Stark Construction of Medora, Indiana bidding on contract #1 with a lump sum bid of \$2,774,000.00. Alternate #1 bid was \$67,000.00, Alternate #2 bid was \$135,000.00, Alternate #3 bid was \$98,000.00, Alternate #4 bid was \$185,000.00. The bid bond and addendum acknowledgement were present.

President Kelso recommended the Council take these bids under advisement pending legal and technical review. Councilmember King made a motion to take the bids under advisement. Councilmember Omberg seconded the motion. All were unanimously in favor.

Mr. Akles advised he would take the bids back to his office and tabulate them and forward that on to Town Attorney Roberts for his review. Carrie Riley of Ara explained they could not set an award date until they have received funds from OCRA. Mike Strahl of Rural Development advised they are shooting for mid-September to have the loan closing.

President Kelso thanked all of those that bid on the project.

6) APPROVAL OF THE MINUTES

President Kelso advised the following minutes had been submitted for approval: June, 17, 2010 Safety Board Executive Session, June, 17, 2010 Safety Board meeting and June, 17, 2010 meeting. Councilmember Omberg made a motion to approve the minutes as presented. Councilmember King seconded the motion. All were unanimously in favor.

7) COMMUNICATIONS

- **Larry Hawkins – Sidewalk program**

Chief Administrator Carr reported that Larry Hawkins has asked for sidewalk repair in front of the Carmel Corn Cottage building. Vice-President Kirlin would like the Town to pursue this as soon as possible and get it fixed.

Vice-President Kirlin made a motion to pursue repairing the sidewalk and splitting the cost 50/50 with the building's owner. Councilmember King seconded the motion. All were unanimously in favor.

- **Nashville Christian Church – Right-of-way request**

Chief Administrator Carr explained the Nashville Christian Church has Vacation Bible School scheduled for July 19-22, 2010. They would like to cone off Pittman House Lane from where the house and church are located from 6-8pm. The church will put up the cones and take down the cones themselves.

Vice-President Kirlin made a motion to approve the right-of-way request for the Nashville Christian Church. Councilmember Cassiday seconded the motion. All were unanimously in favor.

8) CITIZEN CONCERNS

• **Raymond Stidd – Abandoned Property**

John Kennard of the Brown County Health Department explained to the Council that the property in question backs up to Dr. Stidds's house. There is a trailer on this property and the taxes are paid up to date and the present owner is Mary Ann Thompson. Mr. Kennard was asked what he could do legally and he handed out to the Council a list of condemnation rules for discussion. Mr. Kennard explained the current issues with the trailer on the property and noted it cannot be lived in under these conditions. He explained the methods of enforcement. Councilmember Omberg asked if the property owner had been contacted to give her an opportunity to fix the property. Mr. Kennard reported he has not contacted the property owner, but if the Council requests the Health Department could send her a letter. Discussion. Town Attorney Roberts advised this property may be in violation of the town's nuisance ordinances however he would like to turn this over to the Health Department. Discussion.

Vice-President Kirlin made a motion to authorize the Town Attorney to work with the Brown County Health Department to put the landowner on notice and ask for some remedies. Councilmember King seconded the motion. All were unanimously in favor.

NEW BUSINESS

1) ZONING REQUEST – RICHARD AND REBECCA HARTUNG

Dave Woods, Director of Brown County Planning and Zoning Department, spoke about the certification the Area Plan Commission gave Mr. and Mrs. Hartung to rezone the property on Locust Lane from R1 to R2. Mr. Woods also presented his report of the area and explained the Hartung's have purchased a lot on Locust Lane and would like the area rezoned to R2 in order to build a two family dwelling for health and property assistance as needed. Mr. Woods noted directly south of this property is a six unit apartment. Mr. Woods also submitted a site plan to the Town for their review.

Councilmember Omberg asked why they would need to rezone the property if a family member or employee is living there. Mr. Hartung explained they want to build this property with a small apartment and have someone live there at some point in the future due to health issues. He wanted to be up front and honest about building this apartment on the property. Mr. Woods added one neighbor was at the zoning hearing and did not have any opposition to the rezoning of the property.

Vice-President Kirlin made a motion to accept the recommendation of the Brown County Area Plan Commission and rezone this property from R1 to R2. Councilmember King seconded the motion. Councilmember Omberg asked if this would be an attached dwelling. Mr. Hartung advised it would be attached to the house. All were unanimously in favor.

Town Attorney Roberts advised he has prepared a draft ordinance concerning the rezoning of this property. Councilmember Omberg made a motion to have the first reading of Ordinance 2010-04 by title only. Councilmember King seconded the motion. All were unanimously in favor. President Kelso read Ordinance 2010-04 by title only.

Councilmember King made a motion to waive the local rules and have the second reading of Ordinance 2010-04 by title only. Councilmember Cassiday seconded the motion. All were unanimously in favor. President Kelso read Ordinance 2010-04 by title only.

Vice-President Kirlin made a motion to adopt Ordinance 2010-04. Councilmember King seconded the motion. All were unanimously in favor.

2) BROWN COUNTY HUMANE SOCIETY – CHOCOLATE WALK

Red Nastoff and Jane Weatherford spoke on behalf of the Humane Society's Chocolate Walk. They requested a special exception to Ordinance 1998-3 in order to sell tickets on the streets prior to the event. Ms. Nastoff noted they sent a letter to the Council requesting specific dates to sell tickets and noted this will be the third year for the event. Councilmember Omberg commented that this event was a wonderful success last year. Ms. Nastoff added that Coachlight Theater will have actors and actresses dressed in character giving away chocolate samples.

Councilmember Omberg made a motion to accept the Humane Society's petition. Councilmember King seconded the motion. All were unanimously in favor.

3) PROCLAMATION – ANNIVERSARY OF THE AMERICANS WITH DISABILITIES ACT

Clerk-Treasurer Young explained the County has adopted this proclamation and it is reaffirming the anniversary of the Americans with Disabilities Act.

Vice-President Kirlin made a motion to adopt the Proclamation regarding the Anniversary of the Americans with Disabilities Act. Councilmember Omberg seconded the motion. All were unanimously in favor. Councilmember Omberg read aloud the proclamation.

4) 2011 ARTS FESTIVAL – BROWN COUNTY CONVENTION AND VISITORS BUREAU

Jane Ellis with the Convention and Visitor's Bureau presented information to the Council regarding the proposed arts festival. The festival is scheduled to be held May 13 – 15, 2011, noon to 6pm on Friday, 10am-6pm Saturday and 10am-5pm Sunday. Ms. Ellis is asking that Jefferson Street from Gould to Franklin Street be blocked. She will also talk to the County about using the Courthouse lawn. If they have an overflow of artists, Coachlight Square will be available.

The Council had asked at the last council meeting for Ms. Ellis to talk with the shop owners along Jefferson Street. Ms. Ellis reported they were able to make contact with 18 business owners in the area, fourteen were in favor of the festival in this area, one was neutral, one was opposed and one was in favor if they could pull off the miniature show at the traditional arts building.

Ms. Ellis noted a concern had been voiced about the Methodist Church parking being effected by the festival. She has spoken with several members of the church but the church board has not formally met yet. Several artists involved in the festival are also members of the church and serve on the church board and do not see this as a problem. Ms. Ellis also presented a map with the layout of where the tents will be set up. Vice-President Kirlin asked if they would be flexible on the Sunday starting time as he is concerned about the noise level during the services. Ms. Ellis commented that they could be, but the tents will already be up. They could start the music later in the day. President Kelso thought if the music started at noon or after on Sunday it would work out.

Councilmember King made a motion to accept and approve the proposal for the 2011 Arts Festival with the stipulation that the music does not start on Sunday until after 12pm. Councilmember Cassiday seconded the motion. All were unanimously in favor.

4) BROWN COUNTY COMPREHENSIVE EMERGENCY MANAGEMENT PLAN

Dak Kelp of the Brown County Emergency Management Agency spoke to the Council about the proposed emergency management plan. The Town Marshal and Town Administration have had draft copies of the plan for several weeks now in order to review the plan. However, in order to move forward he will need the Town Council President to sign off on the plan as well as other officials in the

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County. President Kelso asked Town Marshal Loerzel for her opinion on the plan. Town Marshal Loerzel advised she has read through the plan, agrees with the plan and has signed off on it. Town Superintendent Bush also noted his approval of the plan. Clerk-Treasurer Young reported the plan has been e-mailed out to all Council members.

Vice-President Kirlin likes the plans and supports it but noted the Town has a lot of responsibilities in this proposed plan. President Kelso asked about training. Mr. Kelp explained a lot of the training will be offered through Emergency Management and there is also a lot of training that can be done on-line as well.

Vice-President Kirlin made a motion to approve the Comprehensive Emergency Management Plan. Councilmember Omberg seconded the motion. All were unanimously in favor.

5) ANY OTHER NEW BUSINESS THAT MAY COME BEFORE THE COUNCIL

Vice-President Kirlin asked Dak Kelp about the weather radios he has for the community. Mr. Kelp advised he is giving away the weather radios to those areas of assembly such as hotels, motels, school corporations and etcetera. Once he gives out the radios to those places, he when give them to places of large public settings like the playhouse and dance barn. Vice-President Kirlin suggested giving one to the Convention and Visitor's Bureau. Mr. Kelp reported he already gave one to the CVB. Mr. Kelp explained they would then give them out at the Brown County Fair.

Vice-President Kirlin asked about the list that was being gathered that documented basements or safe places to go in the event of a tornado in the downtown area. Mr. Kelp advised there is a group working on this list but it is not ready yet. Mr. Kelp also talked about how they could notify people in the event of bad weather and he advised he will be coming back before the Council to ask for a weather siren. He explained there is grant funding and low interest loans available for a siren. Discussion.

OLD BUSINESS

1) REMOVAL OF SIGNS ON PUBLIC RIGHT OF WAY

Vice-President Kirlin asked Town Attorney Roberts if the Police Department could remove a temporary sign that is in the public right-of-way. Town Attorney Roberts advised the police could pick up the signs but not destroy them. They would then have to notify the owners of the signs that the signs have been removed as they were in violation of town ordinances.

Councilmember Omberg suggested it would be easier for the public works department to pick up the signs. Town Attorney Roberts advised if a sign is in the Town right-of-way any entity of the town can move the sign. Discussion. Vice-President Kirlin believes we should pursue this and have the Police Department remove the signs. Town Marshal Loerzel said they could pick up the signs, but they will have to find a place to store the signs.

2) BROWN COUNTY WATER UTILITY CONTRACT

Town Superintendent Bush reported the addendum has been signed and therefore the contract is done.

3) STORM WATER PROJECT

Charlie Day with DLZ updated the Council on the project and explained the storm sewer installation has been completed. Curb, sidewalk and pavement are done except for milling on the existing pavement and a one inch surface has been completed along Washington and Johnson streets. Mr. Day added the curb and sidewalk along Franklin and Jefferson has been completed and the utility trench has been installed and backfilled on the east side of Jefferson street.

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Mr. Day listed the items on the project that are still left to do: pavement installation on Franklin Street between Johnson and Jefferson as well as Jefferson Street between Franklin and Washington. They also need to complete the milling of the existing pavement and the one inch resurfacing along Washington, Johnson, Franklin and Jefferson. Mr. Day reported they still need to install the pavers on the north side of Jefferson Street and raise the hydrant on the northeast corner of Jefferson and Franklin.

Mr. Day reported on Jefferson Street, the sidewalk is separated from the curb and there is a grass area with trees in it. Pavers are also to be installed in this area, however there is some concern that one or more trees may be so big that they will be in the band of pavers. Mr. Day noted this has been reported to the Tree Board and they are to report back to Brad Dove of DLZ on how they want to resolve the issue.

Vice-President Kirlin noted they had project change orders in front of the Council to approve. President Kelso asked if they had the money for the change orders. Clerk-Treasurer Young reported there is money in the CCD fund for drainage if they go over the budget. Town Superintendent Bush advised he approves of the changes financially if the funds are not covered by the grant.

Councilmember Omberg made a motion to approve the change orders. Councilmember King seconded the motion. Vice-President Kirlin would like the additional spelled out in the future. President Kelso explained they are approving five change orders. Councilmember Omberg amended his motion to approve change order #6 at a cost of \$1,870.00, #5 at a cost of \$2,750.00, #4 at a cost of \$500.00, #3 at a cost of \$500.00 and #2 at a cost of \$19,332.00. Councilmember King seconded the motion and asked about the structures, such as the castings, that were taken away and if they were credited to the town or will they be placed elsewhere in the town. Mr. Day explained if it is a bid item they should get the item or take it off the bid cost. Vice-President Kirlin asked about the sales tax on the bids as the town does not have to pay sales tax. President Kelso asked Councilmember Omberg to rescind his motion approving the change orders. Councilmember King rescinded his second to the motion. President Kelso does not believe the orders were documented correctly. Mr. Day will speak with Mr. Dove regarding the change orders and Mr. Dove is to get back with the Council on these orders.

4) DOWNTOWN REVITALIZATION PROJECT

Charlie Day with DLZ reported to the Council the items that have been completed: pavement removal along Jefferson Street, curb and sidewalk along the west side of Jefferson Street is in progress now. A tree was removed from the northeast corner of Jefferson and Franklin. The storm sewer installation is complete except for one inlet that will be installed when power poles are moved. Mr. Day advised Duke Energy has been contacted and they are to move the electrical utilities to underground the week of July 19th, 2010. Clerk-Treasurer Young reported Duke Energy has been paid to move the utilities underground.

Mr. Day reported that Duke Energy has been contacted about saving the existing power pole and light poles for an annexation area the Town is bringing in. The Council advised the poles could be stored at the wastewater treatment plant.

Mr. Day commented about the landscaping around the large tree that was removed. The property owner and tenant in this area are requesting to replant some plants that were saved from the area when the tree was removed. Clerk-Treasurer Young explained they made a compromise about the landscaping with the tenant and they will work with the landscaper to put some of those plants in, therefore they will deduct some of the changes for plants from the bid.

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Mr. Day reported the signs have been installed stating the shops are open in the construction area.

Vice-President Kirlin asked about the spigot the landscaper is requesting and commented that he has not seen this in writing or in a change order. Mr. Day will get with Mr. Dove on this issue and see what he has worked out with the contractors.

6) SEWER EXPANSION PROJECT

President Kelso asked how much money is allocated for the project. Town Superintendent Bush reported there is 5.2 million allocated but this includes administration and engineering and the budget is very tight. Councilmember Omberg reported if they go with the two lowest bidders and do all the alternates of the project the cost will be \$5,459,675.00 without the alternates it will be \$4,900,000.00. Discussion.

Town Superintendent Bush has scheduled a coordination meeting for Tuesday, August 27th, 2010 at 10am. Those asked to be in attendance: Mike Strahl of Rural Development, Rate Consultant Pat Callahan, Bond Counsel, Town Attorney Roberts, Town Administration and any available Councilmembers. Clerk-Treasurer Young added they will need to try to close out the loan as soon as possible to lock in a lower rate.

President Kelso asked when the cut off date for the annexation will be. Town Attorney Roberts explained the first reading of the annexation ordinances has been done and they need to proceed with the second reading of those ordinances. After the second reading, the ordinances will need to be adopted and published within 30 days of adoption. Clerk-Treasurer Young advised the next public hearing is scheduled for July 22, 2010 at 6pm.

7) PARKING AND PUBLIC FACILITIES REPORT

Commission President Lamond Martin was not present for the meeting to make a report.

8) CHAMBER OF COMMERCE REPORT

Suzannah Zody reported the Chamber will be hosting a presentation July 27, 2010 at 5:30pm at the Brown County Inn for the CVB to talk about the future marketing plans to local merchants.

9) DEVELOPMENT REVIEW COMMISSION REPORT

Commission President Suzannah Zody advised at the Commission's last meeting they reviewed and approved four sign applications. Once again they tabled the ice vending machine as they did not receive all of the necessary information from the applicant as requested. Commission President Zody reported a Technical Review Committee meeting is scheduled on July 20, 2010 for the Harold Stanley project for a porch enclosure on Franklin Street.

10) ECONOMIC DEVELOPMENT COMMISSION REPORT

Commission President Suzannah Zody spoke about the ECO 15 report that was funded by Lilly. A brief presentation of the findings will be done at the next EDC meeting. Brown County was included in the survey done about tourism and hospitality. She presented a CD of the result for the Council to review. Commission President Zody explained the outcome of the survey found the majority of the small businesses that were interviewed in Brown County are looking for customer service skills. There is now \$150,000 to do regional education programs for this.

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Commission President Zody reported that the Steering Committee that she is on will be recommending providing laptops and training cds for customer service at the CVB and the CRC. She also noted IUPUI has an existing on-line tourism and hospitality core certification and this could be available to non-registered students. Commission President Zody reported they will also look at implementing in the high school the START program; a tourism, hospitality and hotel management certification. Another finding in the study is that customer service is needed in every business place.

Commission President Zody reported the results from the regional study state they need infrastructure including high speed internet and more county wide sewer. The Economic Development Commission has asked the county for \$40,000 to advance those primary infrastructure projects by way of feasibility studies and other projects next year. Their project manager, Joan Wright, is mapping where internet is currently available in the county but to take the next step they will need professional help to make inroads on this infrastructure.

Commission President Zody reported they have heard the Real America project in Gnaw Bone has received a grant for the affordable housing project but she has not confirmed this information yet.

10) ANY OTHER UNFINISHED BUSINESS OR COMMENTS THAT MAY COME BEFORE THE COUNCIL

None presented.

RECESS

A recess was called from 9:03 pm to 9:11 pm.

REPORTS FROM DEPARTMENT HEADS

1) TOWN SUPERINTENDENT – ROGER BUSH CHIEF ADMINISTRATOR – PHYLLIS CARR

Town Superintendent Bush spoke about the Greg Rose water availability request. Mr. Rose has applied for water from an old abandoned meter pit across from the park. The service to this meter had been abandoned when the Town proceeded with the Kelley Hill project; therefore Mr. Rose had to apply for a new water service. Town Superintendent Bush asked Mr. Rose to look at his plans and see what the cost would be to upgrade the new Kelley Hill booster station. Town Superintendent Bush recommended that Council approve the water availability form contingent upon if the booster is available to be upgraded and Mr. Rose would have to pay for those upgrades. Discussion. President Kelso suggested Mr. Rose put in his own booster station rather than upgrade the Town's Kelley Hill booster station. Town Superintendent Bush will pass on this information to Mr. Rose.

Town Superintendent Bush asked to discuss the 2010 resurfacing program and reported he attended a demonstration on resurfacing options. He explained in prior years they have done overlays or grind and fill which are very expensive. The process he saw demonstrated is one fifth the cost and presented photographs and handouts to the Council explaining the new process. Town Superintendent Bush would like to do this micro resurfacing as opposed to the standard ways. The approximate cost would be \$3 a square yard if the road is already prepped and an overlay resurfacing would cost approximately \$12 a square yard. Discussion. Town Superintendent Bush would like to test out this type of resurfacing up to 4,500 feet in the area west of Jefferson Street and north of Main Street which would include Mound and Gould Streets. Discussion. President Kelso said this type of resurfacing is worth a shot. Councilmember Omberg would like Town Superintendent Bush to talk to other communities that have done this type of surfacing. Vice-President Kirlin would like to see this put out for bid. President

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Kelso wants to see the proposal before it is sent out. Town Attorney Roberts suggested Town Superintendent Bush check the company's references.

Town Superintendent Bush told the Council he would like to pursue the Hickory Knob water line replacement of 500 feet. There are several patches on the uphill section and he believes the budget can handle replacing it as he estimates the cost to be between \$3,000-\$6,000 depending on what they get into once they start the work. President Kelso asked if Town Superintendent Bush had easements to move the water line out of the road. Town Superintendent Bush will have to look into easements and will have to send a letter to IDEM along with several other tasks. Council agreed to have Town Superintendent Bush pursue the replacement of the water line if he has the money to do the work.

A. Council Inquiries

Vice-President Kirlin talked about the alley at West Main with a bunch of cones in the area and he asked what was going on there. Town Superintendent Bush will make sure this gets taken care of as soon as possible.

Vice-President Kirlin asked Town Superintendent Bush to put in his budget for next year to push the fire hydrants back a bit and clean up the West Main area. Town Superintendent Bush said he would include this in next year's budget.

Vice-President Kirlin spoke about the letter from Mike Pope regarding the tree limb that fell on his property. Chief Administrator Carr advised she received an e-mail from the state saying the tree is outside of the state right of way. Vice-President Kirlin asked what was being done about the tree on Wells Drive. Chief Administrator Carr reported they are in the process of getting bids to have the tree removed. Vice-President Kirlin and Councilmember King said there is another tree that is leaning and could fall and hit pedestrians. Chief Administrator Carr will write a letter to the homeowner and have them address the tree. Clerk-Treasurer Young spoke about the tree on the west side of Jefferson on the Village Green and the tree appears to be rotten in the bottom and could possibly fall at any time.

Vice-President Kirlin asked why it is so hard to get the grass cut at State Road 135 N and Jefferson. Chief Administrator Carr said this is INDOT's responsibility but the mowing budget has been cut and she is not sure if this area will be mowed. Vice-President Kirlin asked Town Superintendent Bush to have town mow this area since the county has not done so. Vice-President Kirlin asked about the cleanliness of the trucks. Chief Administrator Carr reported she has done unannounced truck inspections and has been pleased with the way the trucks are being maintained. Town Superintendent Bush advised they are short two employees at this time.

Councilmember Omberg asked Chief Administrator Carr to have the guys check to see if the area behind Holy Cow that he fixed is up to the Town's standards and put straw over the area.

2) TOWN MARSHAL – STEPHANIE LOERZEL

A. Council Inquires

Town Marshal Loerzel reported the two new officers graduated from the academy last Friday. She also advised they received a \$10,000 visual video equipment grant that they will be going in with the Sheriff's department on this project. The Sheriff's department will need to get \$27,000 from the County Council to complete the project.

Councilmember Omberg asked if Town Marshal Loerzel was planning a retirement ceremony for Officer Dorsett. Town Marshal Loerzel said she will do this at the next Council meeting.

Councilmember King asked if the speed sensor is working. Town Marshal Loerzel explained they are having issues with the batteries not charging. New batteries have been installed and they will not stay charged. Town Marshal Loerzel noted this equipment belongs to Purdue. President Kelso suggested they call Purdue and see if they can figure out the problem. Vice-President Kirlin advised he had the contact information.

3) TOWN ATTORNEY – JIM ROBERTS

A. Annexation

Town Attorney Roberts believed they already covered the annexation discussion earlier in the meeting. President Kelso reminded everyone the final hearing will be July 22, 2010 at 6pm.

B. Council Inquiries

Town Attorney Roberts reported on the SMI – David Cox matter. He and Town Marshal Loerzel went to the hearing but Mr. Cox did not show up as his attorney withdrew that morning. Town Attorney Roberts understands that Attorney Szakaly may be Mr. Cox's representative. Town Attorney Roberts filed a motion for contempt for Mr. Cox for violating the injunction and for not showing up to the hearing. Attorney Szakaly informed Town Attorney Roberts that the units are now being rented on year long leases for residential purposes and not being used as tourist homes. Town Attorney Roberts will continue to look into validity of this statement and update the Council at the next regular council meeting.

Town Attorney Roberts spoke about running some of the Town tickets through a town court. He spoke with the attorney for Morgantown and they have some sort of a court sharing arrangement with the county court. Town Attorney Roberts is not sure there is any statutory authority for this but it appears to be working in Morgantown. Town Attorney Roberts will write up a memorandum on how they might want to proceed. President Kelso added they would like to look at addressing issues regarding violating town ordinances that provide for a fine as well.

4) CLERK-TREASURER – BRENDA YOUNG

A. Claims

Councilmember Omberg made a motion to accept the claims for the period of 6-11-10 through 6-30-10 and for the period of 7-01-10 through 7-08-10. Councilmember King seconded the motion. All were unanimously in favor. Councilmember King asked the other Councilmembers to look at the claims prior to the meeting as he is not always able to do this every month.

B. Council Inquiries

Clerk-Treasurer Young advised that Carrie Riley of ARa prepared the semi-annual reports for the three projects: the stormwater project, the downtown revitalization project and sewer project. Clerk-Treasurer Young asked for a motion from the Council to have President Kelso sign the reports for submission. Councilmember Omberg made a motion to have President Kelso sign the reports. Councilmember King seconded the motion. All were unanimously in favor.

Clerk-Treasurer Young presented claims for the projects not including the change order. These claims would need to be approved contingent upon receipt of funds. Clerk-Treasurer Young reminded the Council that once the funds come in from the federal government they need to spend the money within five days. Councilmember Omberg made a motion to pay the three claims; for \$39,348.77 to O'Mara Contractors, \$2,180.75 to DLZ and \$8,793.75 to DLZ contingent upon receiving the funds. Councilmember King seconded the motion. All were unanimously in favor.

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Clerk-Treasurer Young presented the claim from O'Mara Contractors for \$242,047.26 for the stormwater project, however \$19,332.00 are the change orders the Council has not approved yet. Councilmember Omberg asked if they could not pay the \$19,332.00 but pay the rest of the claim. Clerk-Treasurer Young was not sure as this is what Carrie Riley of ARA handles, perhaps they could approve this at next week's special meeting. Council agreed to address this whole claim at next week's meeting.

Clerk-Treasurer Young submitted the renewal contract with Indiana Landmarks at a cost of \$4,000. This should have been renewed July 1, 2010 and will go through June 30, 2011. The contract is identical to the 2009-2010 contract they had with Indiana Landmarks. Councilmember Omberg made a motion to accept the agreement for professional services with Indiana Landmarks. Councilmember Cassidy seconded the motion. All were unanimously in favor.

Clerk-Treasurer Young reported she met with the State Tax Board and the budget process is moving quickly. The final budget adoption date according to state statute is November 1, 2010, however the County must give a non-binding review of the budget and they have scheduled the town's budget review to be August 17, 2010. Clerk-Treasurer Young explained they must have the budget to the County forty-five days before the Town adopts the budget. The DLG asked if all entities in the county have their budgets adopted sooner than the final date, then all entities in the county will have their budget approved a lot quicker. Clerk-Treasurer Young advised she has been working on all the budget forms and she said they can be ready to have meetings as early as next week. In order to have a public hearing on September 16, 2010 they will need to have budget work sessions prior to this date. She noted they will have to have the first publication in the newspaper by September 2nd and the second publication by September 9th, 2010. She asked when they could meet for the budget work session. Council agreed to have a budget work session on July 22, 2010 at 6pm after the public hearing and adoption of the annexation ordinance.


5) ANY OTHER UNFINISHED BUSINESS OR COMMENTS THAT MAY COME BEFORE THE COUNCIL

Vice-President Kirlin would like to form a committee or talk to Town Attorney Roberts about possibly making changes to the way they license businesses in Town. He would like to make sure the licenses are in force before the business is allowed to operate. Discussion. Council would like to discuss this matter further in future Council meeting.

ADJOURNMENT

The meeting was adjourned by President Kelso at 10:12pm.

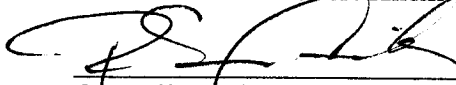
The audio recording made at the Town Council meeting on 7-15-10 is retained in the office of the Town Clerk-Treasurer.


Clerk-Treasurer Brenda K. Young

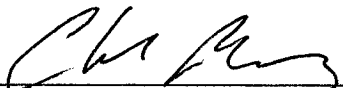
President Roger Kelso



Vice-President Robert Kirlin


Councilmember R. Sean Cassidy

TOWN COUNCIL MEETING, JULY 15, 2010



Councilmember Charles B. King

Councilmember Arthur Omberg