

NASHVILLE TOWN COUNCIL MEETING THURSDAY, NOVEMBER 18, 2010

ATTENDANCE – Council members present –Vice-President Robert Kirlin, Councilmember Sean Cassiday, Councilmember Jane Gore and Councilmember Charles B. King. Council member not in attendance - Councilmember Arthur Omberg. Also in attendance – Town Superintendent Roger Bush, Chief Administrator Phyllis Carr, Attorney Jason Salerno, Clerk-Treasurer Brenda Young and Deputy Clerk-Treasurer Debbie Ferry.

PUBLIC HEARING - 6:30PM

1) CALL TO ORDER by Vice-President Kirlin at 6:30pm.

2) PLANNING GRANT

Lisa Westenberger of ARA was present for the hearing and updated those in attendance that the request for qualifications has been advertised and solicited to five firms: Ball State, USI Consultants, DLZ, Bonar and SDG. Ms. Westenberger advised the qualifications are due to the Town by November 29, 2010 and they need to set up a meeting to score the proposals in the first part of December. Vice-President Kirlin asked that the whole Town Council score the proposals. The Town Council scheduled the scoring meeting for December 2nd, 2010 at 5:30pm. Ms. Westenberger informed the Council that the application could go in at the end of January at the soonest. Ms. Westenberger asked the Council to gather letters of support for the project and she would like to have them by the middle of January.

Vice-President Kirlin asked if there was any comment from the audience regarding the proposed \$50,000 Planning Grant. There was no comment from the audience. Ms. Westenberger noted there is a local match requirement of approximately \$5,500.00.

ADJOURNMENT

The public hearing was adjourned by Vice-President Kirlin at 6:45pm.

REGULAR COUNCIL BUSINESS – 7PM

1) CALL TO ORDER by Vice-President Kirlin at 7:00pm.

2) PLEDGE OF ALLEGIANCE

3) ROLL CALL by Clerk-Treasurer Young.

4) PROCLAMATION HONORING BROWN COUNTY HIGH SCHOOL VARSITY GIRLS VOLLEYBALL PROGRAM

Vice-President Kirlin welcomed the Brown County High School Varsity Girls Volleyball team. He announced the Varsity Girls Volleyball Team were sectional champions this season and congratulated them on their achievement. Clerk-Treasurer Young read aloud the Proclamation honoring the Brown County High School Varsity Girls Volleyball. The Council and audience clapped in their honor.

Vice-President Kirlin asked the Head Coach to say a few words. Coach Erica Almas said the team ended up 12-14 this season, but at the end of the season they really worked hard and won the sectional championship.

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5) APPROVAL OF AGENDA

Vice-President Kirlin asked if there were any additions or corrections to the agenda. No changes or additions were requested. Councilmember King made a motion to approve the agenda as presented. Councilmember Cassiday seconded the motion. All were unanimously in favor.

6) APPROVAL OF THE MINUTES

Vice-President Kirlin advised the following minutes had been submitted for approval: October 21, 2010 meeting. Councilmember King made a motion to approve the minutes as presented. Councilmember Cassiday seconded the motion. All were unanimously in favor.

7) COMMUNICATIONS

None presented.

8) CITIZEN CONCERNS

None presented.

9) TOWN MARSHAL – STEPHANIE LOERZEL

A. Council Inquiries

Town Marshal Loerzel was not present for the meeting. Chief Administrator Carr advised Town Marshal Loerzel gave her information to pass onto the Council. The Police Department has hired a grant officer, Tim True, and he was hired on November 12, 2010. Councilmember Cassiday asked that Town Marshal Loerzel bring Officer Tim True before the Council so they may meet him.

Chief Administrator Carr reported Operation Pullover is going on now through November 28, 2010. Vice-President Kirlin noted that while working Operation Pullover the officers can drive anywhere in the county so if they see Town cars in the county this is why.

Councilmember King commented the Police Department did a good job in October.

NEW BUSINESS

1) BROWN COUNTY ACCESSIBILITY COMMITTEE REPORT REVIEW

Vice-President Kirlin explained the Council has received a report on the Town's accessibility. Betsy Lease spoke to the Council and audience and reported a study was done of the community. Ms. Lease advised several students from the high school worked on this project and these students volunteered to help with the study.

Ms. Lease advised this report was written in response to all the Vision 2020 work saying accessibility was a high priority for the community. She reviewed the report with the Council and noted the areas studied were Main Street and Van Buren Street and not the whole lengths of either street. Ms. Lease noted sometimes signs or trash cans fill the sidewalk causing issues for people to move through areas. She addressed curb cuts and sometimes when new areas are built they are not cohesive with older areas. Ms. Lease showed several pictures of issues throughout town and explained how those areas could be changed to come into ADA compliance.

Ms. Lease spoke about parking spaces and advised this community does not have one handicap compliant parking space. She feels a person would have to exit their vehicle in the line of traffic or some sort of cut in the curb at the parking space. Ms. Lease noted they did a quick review of the public parking lots and they don't have marked handicap parking spaces.

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Ms. Lease advised this study has been presented to the Brown County Partnership which supported this work. The students would like to start a study of the municipal places such as Town Hall. Vice-President Kirlin thought some of these things could be solved by being more careful with such things as line painting and trash cans. He voiced concerned that the slope on Main Street was cited as being out of compliance but it is only two years old and he is not sure how it could be out of compliance. Ms. Lease said if a railing was installed that could put this into compliance.

Vice-President Kirlin noted they may need a cross-walk across Main Street at the Honeysuckle Alley area. Ms. Lease explained they will be working out a map that shows where people can get throughout town if they need handicap accessible areas. She believes a lot of the issues can be fixed with paint.

Vice-President Kirlin advised Van Buren is under the State's jurisdiction and he would like this community to present these accessibility issues to the state. He asked Ms. Lease to study Van Buren from Mound Street to Hwy 46. Discussion. Vice-President Kirlin asked that someone survey the public parking lots and see the status of the handicap parking availability. Parking and Public Facilities Commission President Lamond Martin advised the Commission is already working on this topic and will have a report to the Council soon. Vice-President Kirlin asked Town Superintendent Bush to write up a report in the next couple of months stating corrections made.

2) THE SALVATION ARMY – TREE LIGHTING REQUEST

Steve Marshal spoke as the representative for the Salvation Army. He reported on Saturday, December 4th, 2010 at 6:30pm the Salvation Army will be having their annual Christmas tree lighting ceremony. They are asking for the section of Jefferson Street that is in front of the Salvation Army, between Pittman House Lane and Washington Street to be barricaded for the ceremony. They would like to put up the barricades in the afternoon and the ceremony will be from 6:30pm - 8:30pm and after that they will take down the barricades. Chief Administrator Carr gave Mr. Marshal the right-of-way forms to complete. Vice-President Kirlin asked Chief Administrator Carr to make sure the blocking of Jefferson Street does not affect the YMCA run that will be held that same day.

Councilmember King asked Mr. Marshal to let the Salvation Army know that the bell ringers are approved but only on the private part of the sidewalks. Some bell ringers have been moving more into the public part of the sidewalks.

Councilmember King made a motion to approve the request for street closure on December 4, 2010 from 2pm to 8:30pm in front of the Salvation Army from Pittman House Lane to Washington Street pending all proper forms and insurance being provided. Councilmember Gore seconded the motion. Vice-President Kirlin asked that they be aware of the noise ordinance. All were unanimously in favor.

3) ROSEMARY SAURER – PARKING ISSUES NORTH SIDE OF FRANKLIN STREET

Vice-President Kirlin advised the Council has received a letter from Rosemary Saurer concerning the north side of Franklin Street across from the Calvin Place. Ms. Saurer explained she and a worker were at the Calvin Place doing yard work and cleaning gutters. Her worker returned to his vehicle to find a parking ticket and she does not feel it is appropriate as a lot of service workers park in this spot. Councilmember King asked if the vehicle is marked as a service vehicle. Ms. Saurer advised it is not.

Councilmember King advised they can forgive this ticket but he would suggest the vehicle be marked as a service vehicle in the future. Ms. Saurer explained she likes to hire local workers without marked vehicles and wondered if they could put something on their dashboard to notify the officers of where they are working. Discussion.

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Vice-President Kirlin suggested they forgive the ticket, in the future have the service worker put something in the windshield, inform the police department that service vehicles may be parking in this area while working for a business. Chief Administrator Carr advised Town Marshal Loerzel mentioned if the carriage company is no longer using this space, they change the use of this space. Discussion. Councilmember King asked Officer Brown how they can let the officers know that a service worker has parked in this space without a marked vehicle. Vice-President Kirlin asked if a sign on the dashboard with the service worker's information would work. Office Brown said this would be fine.

Councilmember King made a motion to forgive the ticket and any unmarked service truck is to have a sign on their dashboard with a cell phone number and the location of where they are working. Councilmember Cassiday seconded the motion. All were unanimously in favor.

4) ORDINANCE 2010-08 – AN ORDINANCE ENACTING AND ADOPTING A SUPPLEMENT TO THE CODE OF ORDINANCES

Clerk-Treasurer Young presented Ordinance 2010-08 adopting the supplement to the Code of Ordinances. Councilmember King made a motion to have the first reading of Ordinance 2010-08 by title only. Councilmember Cassiday seconded the motion. All were unanimously in favor. Clerk-Treasurer Young read Ordinance 2010-08 by title only. Councilmember King made a motion to suspend the rules and have the second reading of Ordinance 2010-08 by title only. Councilmember Cassiday seconded the motion. All were unanimously in favor. Clerk-Treasurer Young read Ordinance 2010-08 by title only. Councilmember King made a motion to adopt Ordinance 2010-08. Councilmember Cassiday seconded the motion. All were unanimously in favor.

5) PROCLAMATION 2010 ARBOR DAY

Vice-President Kirlin explained in order to continue to be a Tree City the Town needs to adopt an Arbor Day Proclamation. Chief Administrator Carr explained the signed proclamation needs to accompany the Tree City application.

Councilmember Cassiday made a motion to adopt 2010 Arbor Day Proclamation. Councilmember Gore seconded the motion. All were unanimously in favor. Vice-President Kirlin read aloud the 2010 Arbor Day Proclamation.

6) SIGN ORDINANCE – OUTDOOR USE

Town Superintendent Bush reported based on the conversation with the Council and DRC at their joint meeting and other information he has learned, he would like to form a sign ordinance committee to review the ordinance and make adjustments. He cited the Orchard Hill Motel as being one of those issues as they have been newly annexed and now they are not in compliance with the sign ordinance. Town Superintendent Bush noted Celeste Kirlin of Planning and Zoning would like them to look at directional signage as well.

Vice-President Kirlin would like to use the same committee that is reviewing the marquee signage. Chief Administrator Carr advised the current committee members are: Vice-President Kirlin, Councilmember King, Councilmember Gore, and Celeste Kirlin. Town Superintendent Bush asked to be a part of the committee as well. Jackie Watson of the Red Barn Jamboree also asked to be a part of this committee.

Vice-President Kirlin asked if the issues the Town has with the Red Barn Jamboree are being worked out. Ms. Watson advised there are issues with the current signage, but this signage has been there since 1976. The business was zoned B2 and she believes this should be changed and she has applied for this

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change. Ms. Watson would like to look at the sign ordinance as she does not believe it fits her business. She noted the speed limit going past her business is 50mph and she believes her sign is too small for this area. Discussion. Vice-President Kirlin thanked Ms. Watson for her interest to serve on this committee and asked that she provide information to get in touch with her regarding meetings.

7) ANTIQUE ALLEY PUBLIC REST ROOM FACILITY LEASE

Vice-President Kirlin updated the Council on this issue. The owner of the property was given a lease about a year and half ago but it was somehow misplaced. The property owner has asked for another copy of the lease for his review and will sign it if appropriate. Attorney Salerno advised he has the lease in hand and will send it to the property owner.

8) REDISTRICTING DISCUSSION

Vice-President Kirlin advised there are certain Indiana codes that the Town must abide by. Attorney Salerno has prepared a short memo of what needs to be done and gave this information to Town Superintendent Bush and the Council. Vice-President Kirlin noted they will discuss this topic at the next meeting.

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

Nothing presented.

OLD BUSINESS

1) SKATE BOARD ORDINANCE

Vice-President Kirlin advised Town Attorney Roberts sent a letter to the Council regarding the ordinance. Councilmember Gore reported Town Attorney Roberts suggested they leave the ordinance as it is. Vice-President Kirlin hopes the Police Department has read the letter and ordinance and will try to enforce the ordinance. If the Police Department feels there is a problem enforcing the ordinance and they feel the Council should address the ordinance, they will address it again.

2) DOWNTOWN REVITALIZATION PROJECT

Brad Dove of DLZ reported the final walk through has occurred. Those items on the walk through list have been completed. Mr. Dove reported they still have the change order outstanding for the tree trimming and grinding of the stump by the church, laying a small section of asphalt by the alley and the staining of the fence by the dumpster. Mr. Dove said the reason the change order hasn't been completed is that there is a problem locating the right type of shade for the lights. Discussion. Vice-President Kirlin advised they should take a shade off the first light fixtures and get them made. He added the lights at Willow Manor need to push their shades up because they are really throwing light up. Vice-President Kirlin asked that an additional four shades be made for the Willow Manor area. Mr. Dove is having the tree trimming scheduled and will inform the Council when this will be done.

Councilmember King noted the grade of the sidewalk and alley was changed in front of the church annex building and asked Mr. Dove to check to make sure they are ADA compliant. Mr. Dove reported the sidewalk that was installed comes down at the correct grade and in the center there is a flat portion as required. Mr. Dove said the alley is not in compliance, but it is not a sidewalk. The contractor did lessen the grade but not that much.

Vice-President Kirlin asked if they were aware when a handicap space was installed that the curb had to have a cut-out. Mr. Dove said he would have to consult another engineer about this and get back to the Council. Discussion.

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Mr. Dove advised next month the Town should be getting the final plus the retainage billing and this should finalize the project. Mr. Dove noted there may be a little bit of money left over. Vice-President Kirlin voiced his disappointment on the seeding near the electrical box. Mr. Dove will look at that and noted he will get all the warranty and planting information from the contractor so the Town can have it on file.

3) PARKING AND PUBLIC FACILITIES REPORT

Commission President Lamond Martin reported the Commission is still discussing the Jay Carter lot and the Pat Reilly lot and they are close to presenting proposals to the Council along with an architect to assist them.

Commission President Martin advised they also discussed the rest room attendant contract that is up for rebid. Council agreed that this contract should be bid out every year. Commission President Martin would like to rebid the contract every two to three years as he sees no advantage to doing this every year and doesn't see any reduction in costs.

Chief Administrator Carr advised they have one bid for the concrete pad removal at the Washington Street Parking lot. Commission President Martin reported they will have a recommendation for the Council at their next meeting.

Commission President Martin reported they will contract out the latch replacements for the restroom doors. Town Superintendent Bush advised they are still waiting on all the parts before the work can be done.

Councilmember King asked if the bottom of the Mound Street restroom sign is 8 feet above the sidewalk. Town Superintendent Bush answered that it is.

Commission President Martin reported they are having unusually high rates of failure on hand dryers and they may have to look at a different model. Councilmember King suggested the air squeegee type of blower.

Councilmember King noted the Washington Street lot looks weird with only half of the lines repainted and asked that the whole lot be done next year. Vice-President Kirlin talked about a hand painted sign across from the Shell Station that says restroom with an arrow. Chief Administrator Carr will remove this sign. Commission President Martin suggested they need to put a sign up in this location. Councilmember King asked to have the signs that say free parking be replaced as the lettering is flaking off.

4) CHAMBER OF COMMERCE REPORT

Vice-President Kirlin said there was not a representative for Chamber of Commerce present this evening. He noted their office has been moved to the YMCA.

5) DEVELOPMENT REVIEW COMMISSION REPORT

Vice-President Kirlin explained Commission President Zody was not present this evening and he heard there was a Public Hearing. Commission Vice-President Brenda Young advised the hearing was for the Family Fun Center and the excavation work that will be going on. The Commission asked that hedges be installed along the perimeter with a green space and a parking lot with gravel will be over the excavated area or have the area topsoiled and seeded. The petitioner is to come back to the DRC next month with proposed landscape plans.

6) ECONOMIC DEVELOPMENT COMMISSION REPORT

Vice-President Kirlin noted Suzannah Zody was not present for the meeting. He reported that the County has appointed Cindy Steele as the third member of the Economic Development Commission.

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

Nothing presented.

REPORTS FROM DEPARTMENT HEADS

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

A. 2011 Water and Sewer Budgets

Vice-President Kirlin advised the Council has before them the water and sewer budgets prepared by Town Superintendent Bush. Clerk-Treasurer Young advised they have already approved the Rural Development sewer budget as they did this when they were working on the projects, therefore they will only be approving the water budget.

Vice-President Kirlin read the budget predicts water sales of one million dollars and asked how this compares with 2010 water sales. Town Superintendent Bush believes it will be around \$1,335,000.00. Clerk-Treasurer Young clarified this is the Rural Development budget which is different as they don't want bonds or anything they are paying for on this budget. Clerk-Treasurer Young added that Town Superintendent Bush used the figures that the Rate Consultant Pat Callahan put in the water and sewer rate studies.

Vice-President Kirlin asked about the decrease in sub-contractors. Town Superintendent Bush plans on using the Town employees rather than contracting out work. Councilmember King asked if once the annexation and sewer expansion project is in full swing, will he anticipate requiring hiring an additional person. Town Superintendent Bush believes this could be a possibility but they are not far enough in the process to know for sure. He has noticed an additional amount of call outs since the annexation has taken place.

Councilmember Cassiday made a motion to adopt the 2011 Water budget as presented. Councilmember Gore seconded the motion. All were unanimously in favor.

B. Street Sweeper Purchase Discussion

Town Superintendent Bush reported at the last Council meeting, Council asked him to research purchasing another street sweeper. He advised street sweepers that meet the Town's need cost about \$130,000.00 brand new. One's that are in fair shape are about \$60,000.00. Town Superintendent Bush would not recommend getting the same type of street sweeper they currently have because it has a brush system and a double operating system where twice as many things can go wrong. If they go to a vacuum system the vacuum is doing most of the work and the brush is only moving the dirt toward the middle of the vacuum. Town Superintendent Bush suggested maybe going to a truck mount and this would make it more mobile. One unit he looked at would allow for hose attachments so they could lower the hose into a storm drain and clean out the drains this way.

Town Superintendent Bush reported Councilmember King had a really good idea to go through the list of used street sweepers and buy two of the same model and make one really good sweeper. Discussion. Town Superintendent Bush asked Council to set him a budget for purchasing the equipment and then

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they will have to decide how to pay for it. He explained that MVH can't pay for it as there in not any monies available. Vice-President Kirlin would like Town Superintendent Bush to come to the Council with a payment proposal. Discussion.

Vice-President Kirlin asked to go back to the water budget and spoke about the cost of repairing all the water breaks in 2009. Vice-President Kirlin asked Town Superintendent Bush to give the Council a list of the cost of repairing water breaks in 2007 and 2008 as well at the next meeting.

Town Superintendent Bush spoke about the sand spreader. The Town's primary sand spreader is completely rusted out and will not be useable this year. Town Superintendent Bush reported they are taking parts off this spreader to put on the secondary spreader and he believes it would be a bad idea to expect to get through the winter on this spreader alone. He asked Clerk-Treasurer Young where he could get money to purchase a new spreader and she advised there are some monies available in the CCD fund.

Town Superintendent Bush would like to purchase a full size spreader model and a tailgate model as a back-up. These are plastic hopper units and he passed out specs of the units to the Council for their review. Discussion. Councilmember Gore asked if they currently have a working spreader. Town Superintendent Bush said they do not have one working yet; they will probably have to purchase additional parts to get it to work. Councilmember Cassiday advised he has another company for Town Superintendent Bush to get a quote from as he thinks they could beat this price.

Councilmember King made a motion to approve a budget of approximately \$8,500.00 for the purchase of two salt spreaders, one main and one back-up either new or used and the money would come out of the CCD fund. Councilmember Cassiday seconded the motion. All were unanimously in favor.

C. Task List

Nothing presented.

D. Quotes

Nothing presented.

E. Service Agreements

Nothing presented.

F. Utilities Report

Vice-President Kirlin advised they had the utility reports in before the Council and voiced concern that the Washington Street lift station and the Brown County Inn lift station are both down to one working pump. Town Superintendent Bush wrote that they are babying the stations along to get them by until they are replaced.

G. Council Inquiries

Vice-President Kirlin spoke about the on-call schedule; he would like it to be co-copied to Nashville Police, Brown County School, Convention and Visitor's Bureau, Sheriff's Department and the Fire Department. Chief Administrator Carr advised she has a separate sheet that she shows all that. He keeps hearing that they are not receiving these. Chief Administrator Carr has the confirmation sheet for those that she faxes the list to and hand delivers the rest.

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Vice-President Kirlin wants to know how or why the Ice Man is operating without the valid business license. Chief Administrator Carr explained Mr. Fulford applied for his COA last year and had filled out a business license, but the building was not put up until this year. Mr. Fulford thought he had his license and was confused with all the paperwork. Chief Administrator Carr sent Mr. Fulford a letter that he needed to get a business license and he has picked up the paperwork and is to return it this week. Vice-President Kirlin is concerned about businesses operating without licenses. He asked Attorney Salerno what the ordinances say about operating without a license. Attorney Salerno advised he would review the ordinances and discuss this later in the meeting.

Councilmember King noted when there was a boil order for the Salt Creek area Mr. Fulford kept selling water and ice. Chief Administrator Carr advised she left him a message that he was on a boil order and was not to sell water or ice during the boil order.

Chief Administrator Carr advised the Council of the following items: the old jail will be coming down on Monday and the chili-fest state right-of-way has been approved. Chief Administrator Carr spoke of the welcome to Nashville signs; she sent in the permits and talked to Tony Moore with INDOT. The sign in the Orchard Hill area needs to be set back a bit further because he is afraid of visual interferences for those pulling out of Orchard Hill. Chief Administrator Carr spoke regarding the sign on State Road 46E, and there has been a driveway application submitted for the area they are proposing to put the sign. Mr. Moore suggested waiting to see if the application gets approved or they can install the sign and move it if required. Discussion. Vice-President Kirlin asked Chief Administrator Carr to take pictures of both areas and present to Council so they can make a decision at the next Council meeting.

Councilmember King asked about the Tree City signs. Chief Administrator Carr advised INDOT will not allow those signs to be installed. The welcome signs do have permits to be installed on the state right-of-way.

Chief Administrator Carr said the Town's Christmas party is scheduled for Friday, December 17, 2010 at 6pm at Town Hall. The party will be a pitch-in and they may have a visit from a very special person!

2) ATTORNEY – JASON SALERNO

A. Council Inquiries

Attorney Salerno brought to the Council the proposed ordinance for the expansion of the Village District. This proposed ordinance is before the Plan Commission and they will be meeting to consider this ordinance on December 14, 2010 at 6:30pm. Vice-President Kirlin would like someone from the Council to attend this meeting as he cannot as he has another meeting that evening. Councilmember King reported he will attend the meeting if he is in town.

Attorney Salerno spoke about the enforcement of business licenses. There is a \$50 per day fine for someone that is in violation of the ordinance. Attorney Salerno suggests writing a letter to the business owner that is not in compliance along with a copy of the ordinance. Councilmember King noted they have not fined anyone but maybe they should be stricter in following the ordinance and fine those not in compliance. Attorney Salerno advised if the business owner does not apply for a license after the letter the Town can choose to authorize an action in court to enforce the ordinance which could include not only the fines but also request the person cease to operate the business until they come into compliance. Discussion.

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Attorney Salerno read aloud the ordinance regarding the requirements to obtain a Nashville business license. Clerk-Treasurer Young noted the Indiana Registered Retail Merchant Certificate is now issued every two years with the state and she does not believe the Town should have to monitor which business has a current certificate. Councilmember King commented the Town does not have any authority to enforce the state licensing and they should drop this requirement for a Town business license. Council directed Attorney Salerno to delete this requirement in the ordinance and present it to the Council at the next meeting. Clerk-Treasurer Young advised they can issue the license without a certificate once the Council has passed the amended ordinance. Councilmember King commented that people that sell in Town once or twice a year should still have to show their certificate. Clerk-Treasurer Young advised they could require the certificate for the itinerant business license.

Vice-President Kirlin talked about enforcement and asked if that should be in the ordinance. Attorney Salerno is not sure the Council would want to box them in this way. Clerk-Treasurer Young suggested the Council set a policy with the Town Administration to do certain steps rather than putting this into an ordinance. Vice-President Kirlin said if a business owner is not in compliance Town Administration should send out two letters, the first one a soft sell as is being done now and fifteen days later a second letter with the ordinance and inform them if they do not apply within so many days it will be turned over to the Town Attorney. Vice-President Kirlin asked Attorney Salerno to write up a policy on this.

Vice-President Kirlin asked if there was something on redistricting. Attorney Salerno advised he gave the Council this information this evening. Vice-President Kirlin commented this is going to the County first.

3) CLERK-TREASURER – BRENDA YOUNG

A. Claims

Councilmember Cassidy made a motion to approve the claims for the period of 10-15-10 through 10-31-10 and for the period of 11-01-10 through 11-10-10. Councilmember King seconded the motion. All were unanimously in favor.

Clerk-Treasurer Young presented the following Wastewater Construction grant project claims for the Town Council to approve:

Clerk-Treasurer Young presented a claim for Mitchell and Stark Construction, Inc. in the amount of \$146,537.50. Councilmember King made a motion to approve the claim for Mitchell and Stark Construction, Inc. in the amount of \$146,537.50 contingent upon the receipt of funds. Councilmember Gore seconded the motion. All were unanimously in favor.

Clerk-Treasurer Young presented a claim for Strand and Associates, Inc. in the amount of \$13,072.80. Councilmember King made a motion to approve the claim for Strand and Associates, Inc. in the amount of \$13,072.80 contingent upon the receipt of funds. Councilmember Gore seconded the motion. All were unanimously in favor.

Clerk-Treasurer Young presented the following Downtown Revitalization grant project claims for the Town Council to approve:

Clerk-Treasurer Young presented a claim for DLZ in the amount of \$3,118.75. Councilmember King made a motion to approve the claim for DLZ in the amount of \$3,118.75 contingent upon the receipt of funds. Councilmember Gore seconded the motion. All were unanimously in favor.

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Clerk-Treasurer Young presented a claim for DLZ in the amount of \$500.00. Councilmember King made a motion to approve the claim for DLZ in the amount of \$500.00 contingent upon the receipt of funds. Councilmember Gore seconded the motion. All were unanimously in favor.

Clerk-Treasurer Young presented a claim for Dave O'Mara Contractors in the amount of \$26,211.16. Councilmember King made a motion to approve the claim for Dave O'Mara Contractors in the amount of \$26,211.16 contingent upon the receipt of funds. Councilmember Gore seconded the motion. All were unanimously in favor.

Clerk-Treasurer Young presented the following Storm Water Drainage grant project claim for the Town Council to approve:

Clerk-Treasurer Young presented a claim for Dave O'Mara Contractors in the amount of \$65,902.80. Councilmember King made a motion to approve the claim for Dave O'Mara Contractors in the amount of \$65,902.80 contingent upon the receipt of funds. Councilmember Cassidy seconded the motion. All were unanimously in favor.

B. Council Inquiries

Clerk-Treasurer Young advised she received a notice today that the budget hearing with the State is scheduled for next week. She is hoping the Town's budget will be approved as presented.

Clerk-Treasurer Young reported she may need to add to the December 2nd meeting agenda to discuss the additional appropriations they have to do. She added she will be applying for an advanced draw on paid taxes to the County as they are down in the MVH fund. Vice-President Kirlin asked if the Town ever received the funds from the lawsuit against the County for the tax monies they were late in passing onto the Town and school district. Clerk-Treasurer Young replied she would have to look into this.

Clerk-Treasurer Young advised a pay meeting is scheduled for next week and they will be meeting with Rural Development to go over the wastewater project. These meetings will be held every month during the project.

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

Vice-President Kirlin asked Town Superintendent Bush about Washington Street and Brown County Inn lift stations being down to one working pump each. Town Superintendent Bush advised they talked about this at last month's meeting and advised he put a temporary pump in the Washington Street lift station. It did have some minor issues but it is running.

Vice-President Kirlin asked who mismarked the water lines by the Ice House which caused the water main break and boil order. Town Superintendent Bush reported the Town marked the lines but the line that broke was not even on the Town's maps so they did not know it was there.

Vice-President Kirlin spoke about a cut through being installed at CVS and at the post office to West Gould. Town Superintendent Bush reported if at the west end of Gould they used a trapezoidal culvert this would make the cut through doable. Vice-President Kirlin asked who owns the land. Town Superintendent Bush advised the Town owns the land. He will get a cost on this and get to the Council with the figures. As for the cut through by CVS, due to the grade differences this would be very expensive to do. Town Superintendent Bush suggested if it is Council's intent to do this cut through, they should use the fill in this location from the next project to make this grade.

TOWN COUNCIL MEETING, NOVEMBER 18, 2010

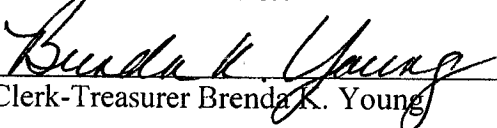
Town Superintendent Bush showed the Council photographs of the excavation work being done to begin building the treatment plant building. Vice-President Kirlin asked if they have started on the sewer expansion project. Town Superintendent Bush advised they have started the collection system at the intersection of Artist Drive and Main Street. He noted there are currently two bore companies in town at this time. The company with the big orange cable is doing work for Smithville Phone Company and putting in fiber optic lines. The company using the black piping is doing the sewer expansion. Vice-President Kirlin asked how soon the homeowners will need to have their electrical work in place. Town Superintendent Bush estimated they should be ready within two months.

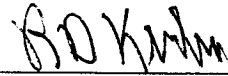
Vice-President Kirlin asked if there is a maintenance plan on Honeysuckle Lane by Barb Zieg's building. Town Superintendent Bush informed the Council he has sent a letter to Midwest Gas and asked them to relocate their gas main in this area. He has also inquired with a service provider two estimates on what it would cost to reconnect the two houses in this area. Discussion. Town Superintendent Bush reported they run the jetter in different areas of town to minimize the sewer issues.

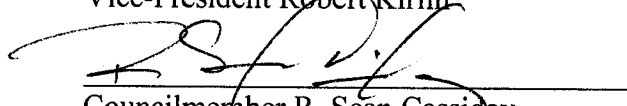
ADJOURNMENT


Councilmember Cassidy made a motion to adjourn the meeting. The meeting was adjourned by Vice-President Kirlin at 9:39pm.


The audio recording made at the Town Council meeting on 11-18-10 is retained in the office of the Town Clerk-Treasurer.

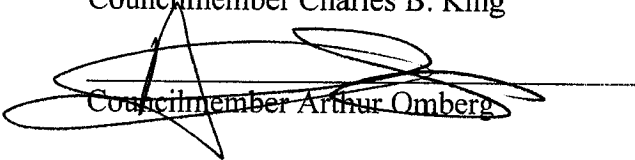

Clerk-Treasurer Brenda K. Young


Vice-President Robert Kirlin


Councilmember R. Sean Cassidy


Councilmember Jane Gore


Councilmember Charles B. King


Councilmember Arthur Omberg