

**Town Council Meeting**  
**Monday October 25, 2021**  
**6:00 P.M. Town Hall**

Edinburgh Town Council met in a regular session on Monday, October 25, 2021, at 6:00 P.M. at the Town Hall, 107 South Holland Street, Edinburgh, Indiana.

President Jeff Simpson called the meeting to order and led the Pledge of Allegiance.

**Members answering roll call ((e) represents virtual attendance):** Councilwoman Debbie Buck, Councilwoman Miriam Rooks, Councilman Ryan Piercefield, Vice President Dawn Graham, and President Jeff Simpson. Also present were Town Attorney Dustin Huddleston, Clerk-Treasurer Scott Finley, and Town Manager Dan Cartwright.

**Minutes** – Executive meeting of September 13, 2021, and Council Meeting of September 13, 2021. Councilwoman Graham made a motion to approve the minutes as submitted. Councilwoman Buck seconded. Motion carried. Councilman Piercefield abstained as he was not present at those meetings.

Council meeting of September 27, 2021. Councilwoman Graham made a motion to approve the minutes as submitted. Councilwoman Buck seconded. Motion carried. President Simpson and Councilwoman Rooks abstained as they were not present at the meeting.

Council meeting of October 11, 2021. Councilwoman Graham made a motion to approve the minutes as submitted. Councilwoman Rooks seconded. Motion carried. Councilwoman Buck abstained as she was not present at the meeting.

**Claims** – The council received two claim dockets in their council packet. The first was an end-of-month docket for August totaling \$250,694.34 and the second was the regular docket for the period totaling \$1,152,320.59. Mr. Finley said he had signed off on the claims in that docket and handed them over to the council for approval.

Councilwoman Buck made a motion to approve claims as submitted. Councilwoman Rooks seconded. Motion carried.

**Town Manager Contract** – Mr. Huddleston said the original contract stated that a performance evaluation take place after so many months. The council conducted that evaluation. Before the council the first amendment to the employment agreement increasing the salary to \$80,000 with the provision that no further raises shall be given until at least January 1, 2023. Mr. Cartwright has approved the contract.

Councilman Piercefield made a motion to approve the 1<sup>st</sup> Amendment to the Town Manager Contract. Councilwoman Buck seconded. Motion carried.

**Ordinance 2021-20 Commercial Properties Knox Box (First Reading)** – Mr. Huddleston said this was a request from the fire chief. This includes the Knox Box section but also includes some other fire regulations the town has not adopted he found during his research. Indiana Fire Prevention and Building Safety Commission (the commission) provides guidance and approves ordinance passed by municipalities. The council should review and make recommendations and then the draft will be sent to the commission for review prior to adoption.

Fire Chief John Henderson said he is happy with the ordinance and the department is getting some Knox Boxes in place voluntarily.

Councilman Piercefield made a motion to allow Mr. Huddleston to work with Mr. Henderson on the ordinance and send the draft to the commission for review. Councilwoman Graham seconded. Motion carried.

**Ordinance 2021-21 UTV Ordinance (First Reading)** – Mr. Huddleston said this was drafted per the request by Town Marshall Doyne Little. This would allow UTV's to be driven on town roads. Indiana Code has a statute relating to this and other off-road vehicles and says what the town can and cannot require. This only allows them on streets the town owns and maintains. They could not drive on US 31, I-65, or State Road 252.

Mr. Little asked if this was specific to UTV's or all off-road vehicles. He would like to restrict to only UTV's as ATV's have far fewer safety features.

Mr. Huddleston said he is not sure if the town can restrict to only UTV's. This is the maximum number of restrictions allowed by the Indiana Code. He said he does not believe we can be more restrictive. He can further review the definitions and report back to council.

Mr. Little said if that is the case, he would be against passing the ordinance.

Being a first reading, no action was taken.

**Resolution 2021-23 Leasing Real Property** – Mr. Huddleston said this resolution relates to the building at 104 S. Holland St. This is a similar process to the lease for the medical office. The town must solicit bids to lease the structure. A proposal was drafted by Mr. Cartwright with certain things the bidder must adhere to. This must be advertised. This resolution skips the process of getting the building appraised as it is a unique structure. This does not bind the town; it just allows the property to be sent out for bid.

Councilwoman Rooks made a motion to approve Resolution 2021-23. Councilwoman Buck seconded. Motion carried.

**Resolution 2021-24 Planning Commission Board Appointment** – President Simpson said one of the planning commission members is now a town employee and can no longer serve on the board. This resolution appoints Debby Vaughan to fill out that term.

Councilwoman Rooks made a motion to approve Resolution 2021-24. Councilwoman Graham seconded. Motion carried.

**Stormwater Board Appointments** – Mr. Cartwright said the town needs to appointment members to the stormwater board. State regulations require a three-member stormwater board. He recommends appointing the Town Manager, the Planning Director, and the Wastewater Superintendent by title rather than name.

Discussion was held on the terms.

Mr. Huddleston said the terms need to be staggered.

Planning Director Wade Watson said Wessler is looking into whether the town can appoint people by title rather than name. The town's stormwater board currently consists of people no longer with the town.

Councilwoman Graham made a motion to allow Mr. Huddleston to review the stormwater board appointments. Councilwoman Buck seconded. Motion carried.

**Access and Indemnity Agreement** – Mr. Cartwright said this was presented at the last meeting and was tabled for further discussion. In his opinion the current hold harmless agreement is not sufficient. Mr. Huddleston has drafted a new agreement for property owners to sign before entering the property.

President Simpson said he spoke with Mr. Huddleston about this agreement. He asked Mr. Huddleston to explain how this was different from the old agreement.

Mr. Huddleston said if we have utilities on the property of a homeowner, there should be a right-of-way or easement document to reflect that. Not knowing what those documents say or if they are accurate, this document would cover the town if the property owner signs it. They do not have to sign the document and if they did not, we would have to refer to the easement agreement.

President Simpson said this agreement does not mean anything unless both parties sign. So, what is the difference between the old document and the new document.

Mr. Cartwright said this new agreement is specific to access to the easement whereas the other document is vague and provides little protection to either party.

Discussion was held on amending easement agreements.

President Simpson asked if we could add a few sentences to the old document to make it simpler for the homeowner. He said he would not sign a two-page document relieving the town of any liability.

Discussion was held on how issues are handled currently if the town needs to mow someone's property for maintenance.

Councilman Piercefield said the agreement is a little intimidating but ultimately, we are trying to protect the town.

Electric Superintendent Kevin Rubush said if there is an emergency, homeowners give full support. If it is a maintenance issue, the homeowners are more reluctant.

Councilwoman Rooks asked if it was possible to condense the new agreement to make it less intimidating to the homeowner.

Mr. Huddleston said he is not sure. It is about as condensed as he could make it. The length of the document is informing the property owner what will be done on the property.

Mr. Little said he used to work for the phone company and most of the things in an easement should have never been there to begin with. Climbing a pole is dangerous work and he knows many people who have fallen and injured themselves. He said he would sign the agreement as a property owner because he wants to do the right thing and assist in anyway possible.

Further discussion was held regarding potential issues with easements and damage to personal property.

Councilwoman Graham made a motion to table the Access and Indemnity Agreement for further review.

**Easement Dedication at Meadowlawn** – Mr. Watson said this is the easement at the Meadowlawn Development with the extension of water and sewer services along 800. The utility dedication has been accepted and a cash bond is being held on them. The current utilities terminated at the cul-de-sac on the north end of Executive Drive. The new easement would pick up the new waterlines and sewers running toward US 31.

Councilman Piercefield made a motion to accept the easement dedication at Meadowlawn. Councilwoman Rooks seconded. Motion carried.

### **Other Business**

Mr. Cartwright said he would like to ask for the council's approval to promote Rob Bryant at the street department to Assistant Street Superintendent at a wage within the salary ordinance.

Councilman Piercefield made a motion to promote Rob Bryant to Assistant Street Superintendent at a salary to be set by Mr. Cartwright within the salary ordinance. Councilwoman Buck seconded. Motion carried.

Mr. Cartwright said the design is underway for the fire station and the aquatic center. The home on Eisenhower owned and rented out by the town has been vacated so we will be doing some repairs and getting it ready to be leased. This will have to be advertised and a new lease agreement will be drafted.

Councilwoman Graham asked how much room we had for new graves.

Mr. Watson said based on the current death rate and burial rate we should have at least 25 years' worth of graves available.

Mr. Cartwright said he sent a letter out informing owners of apartments with more than 4 units that the town will no longer be providing trash service to them. He also sent a letter to Ray's stating we would not be renewing their contract in February of next year. New bids will be requested in the near future.

President Simpson said he and the administrative staff had a meeting with Zeller Insurance regarding health insurance renewals. He asked that the council contact Mr. Finley regarding possibilities for the renewal.

Departmental Comments

Mr. Rubush said the electrical contractor for Utz has contacted him for a quote on a new transformer. He will be getting quotes for that and the town will be reimbursed by Utz for the cost.

Mr. Little said the department will be participating in No Shave November. The officers will be raising money for Shop with a Cop which benefits children who are less fortunate around the Holidays. Also the department has had several stolen cars in the area and urged everyone to lock their doors when warming up vehicles.

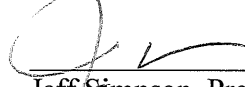
Water Superintendent Bill Jones said the 100% design for the new water plant should be completed in November.

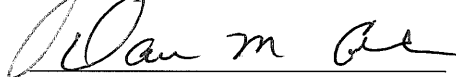
Wastewater Superintendent Rebecca Frakes said there has been some progress on the Prosser stormwater project and she expects some calls from citizens as we move to paved roads soon.

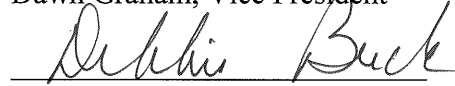
Mr. Watson said the town received a letter from INDOT regarding property the town owns that may been in conflict with the 252 rebuild. They may be contacting us for an acquisition of right-of-way.

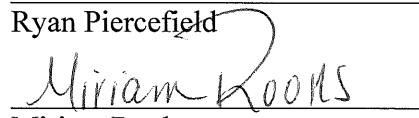
Being no further business or comments, Councilman Piercefield made a motion to adjourn the meeting. Councilwoman Graham seconded. Motion carried.

**EDINBURGH TOWN COUNCIL**

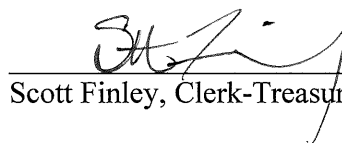
  
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Jeff Simpson, President

  
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Dawn Graham, Vice President

  
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Debbie Buck

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Ryan Piercefield  
  
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Miriam Rooks

ATTEST:

  
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Scott Finley, Clerk-Treasurer