

Town Council Meeting
Monday, October 28, 2013
6:00 P.M. Town Hall

Edinburgh Town Council met in a regular session on Monday, October 28, 2013 at 6:00 P.M. at the Town Hall, 107 South Holland Street, Edinburgh, Indiana.

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

President Hoffman thanked everyone for coming.

Members answering roll call were: Councilman John Drybread, Councilman Jeff Simpson, Vice President Curtis Rooks, Councilwoman Kami Ervin, and President Ron Hoffman. Also present were Town Attorney Dustin Huddleston and Clerk Treasurer Scott Finley.

President Hoffman said next on the agenda were the minutes of the Council Meeting of October 14, 2013. Councilman Rooks made a motion to approve the minutes as submitted. Councilwoman Ervin seconded. Unanimous.

President Hoffman said claims were next on the agenda and handed it over to Clerk Treasurer Finley.

Clerk Treasurer Finley said everyone should have received the normal claim docket for the period and he also included an August pre-write docket that was just finished up earlier in the day. He said he had signed off on all the claims in the dockets and handed them over to the council for approval. Councilman Simpson asked about the \$700 non-sufficient fund check. He wanted to know at what point the town tried to collect on unpaid fees.

President Hoffman said he believed there should be a set amount.

Councilwoman Ervin asked what the chances were of the town getting that money back.

Mr. Finley said this particular NSF was to the parks department but normally the town does get that money back.

Daniel Teter said the parks department has already got that money back.

Councilwoman Ervin said it may be a good idea to set up a specific amount to try to go after but there could also be extenuating circumstances.

Mr. Finley said there are definitely unpaid utility bills in the upper hundreds of dollars that should be looked into trying to recoup.

Councilman Rooks made a motion to approve the claims as submitted. Councilman Simpson seconded. Unanimous.

President Hoffman said he believes they should proceed in trying to recover those unpaid utility bills.

Town Attorney Huddleston said for court proceedings, you would have to pay a filing fee at the court which would be recoverable if a judgment was obtained. Once there is a judgment in place it is good for 10 years and accrues 8% interest. The town could then go about garnishing wages and/or bank accounts.

Councilwoman Ervin asked if it would be in the towns best interest to see what other cities and towns do as far as collecting unpaid bills.

Mr. Finley said he can put a thread out on the ILMCT website to see how other cities and towns handle their collections.

Mr. Huddleston said before any other actions the council could authorize him to issue demand letters which can get the ball rolling.

Mr. Finley said Angie Pendleton does send out letters to people with unpaid balances but often times the letters yield no results.

President Hoffman said next on the agenda was Ordinance 2013-7 Meth Labs. The council had instructed Mr. Huddleston to draw up an ordinance to give the town some leverage after houses have been used as meth labs. He asked if anyone had any questions or comments about that ordinance.

Councilwoman Ervin said she thought the ordinance was well written and very clear and concise.

Councilman Rooks said basically this ordinance is to establish whether or not a dwelling is safe to go back in after it has been used as a meth lab, correct?

President Hoffman said yes, that will be part of the building commissioner's responsibilities.

Councilwoman Ervin said the town can enforce clean up or take action to clean it up and hold the property owner responsible for the cost.

Councilman Simpson made a motion to approve Ordinance 2013-7 Meth Labs. Councilman Rooks seconded. Unanimous.

President Hoffman said next on the agenda was Ordinance 2013-8 Blue River Dam Access. The purpose of the ordinance is to keep people from getting hurt at the dam while it is in its current condition.

Councilman Drybread said basically the town owns the dam but DNR controls the river. The boat launch at the park is done under a lease agreement with DNR and must be open 24/7. Only DNR can close that boat launch down.

President Hoffman said in essence, DNR controls the water. All the town can do is protect itself in regards to the dam. This ordinance is a way to address that and protect the town in case something were to happen.

Councilman Rooks said the only place that the town owns and can control is the actual dam structure. So if someone was physically on the dam they would be in violation of the ordinance but other than that there is nothing the town can do.

Councilman Drybread said he had spoke with Mr. Huddleston and Chief Mann about the situation. There will be signage informing the public about the dam's condition but as far as the navigable stream, DNR has no problem with people fishing in front of the dam. DNR does understand why the town would put up the warning since it does own the dam.

Councilman Rooks made a motion to approve ordinance 2013-8 Blue River Dam Access. Councilwoman Ervin seconded. Unanimous.

President Hoffman said next on the agenda was the discussion of Ordinance 2013-9 Establishing Storm Water Management. He said Mr. Huddleston had been working on the ordinance and there are some legalities that the town has to go through to pass the ordinance. This ordinance discusses the user fees that will eventually be voted upon by the town council to relieve some stress off the budget.

Mr. Huddleston said if the council recalls one of the fees that Mr. Finley suggested as recommended by Umbaugh during the budget process was a storm water user fee. In order to do that there are state statutes that outline a certain procedure. Currently the wastewater superintendent Glenn Giles oversees the storm water issues for the town. Under Indiana Code the department must be called the storm water management department. The ordinance states that the town is creating the department when really we are just giving a new name to the wastewater utility. This must be done because that department is the only one that can assess the type of fee the town is looking into. The first step is to create the department and the second step is to actually assess the fee. State statute also says a storm water board must be created. It is a three person board appointed by the council president. This discussion is only a read of the ordinance and it will not be passed tonight. A public hearing must be held before the ordinance

can be passed. For comparison, Greenwood and Bartersville have already created a storm water utility to assess a storm water fee. They are more similar to the town because they too own all of their utilities, have their own storm water department, and assess a fee to the residents. This is a common practice and in reading council member statements from other communities about why the fee was assessed it was usually for the same reason Edinburg has gone this route. It must be done in order to not cut services to the residents. This ordinance is a preliminary step and when it is passed at the next meeting it will be followed by another ordinance with the fee schedule.

President Hoffman opened the floor for public comments.

John Rondot asked if this would be a fee that would be added to the monthly utility bill and if it would be a percentage of the bill.

President Hoffman said yes it will be added to the utility bills and it will be a flat residential rate.

President Hoffman closed the public hearing.

President Hoffman said next on the agenda was the discussion of Ordinance 2013-10 Recovery of Fire Protection costs. He said there will also need to be a public hearing on this ordinance in the future.

Mr. Huddleston said this would again be a user fee added to the utility bill. The town currently owns all of its hydrants. Property tax revenue is used for maintenance of the hydrants. The town is unique as most towns lease their hydrants from a private company that maintains the hydrants and passes that cost onto the residents. In Franklin, hydrant fees are added into the residents' water bill. This user fee would cover the cost of maintenance on the hydrants. The one thing statute does not allow is the fee cannot cover new hydrants the town may have to purchase in the future.

Councilwoman asked if a new fund must be set up for this fee.

Mr. Huddleston said that can be handled how the Clerk Treasurer wishes. The statute does not say the fee must go to a specific fund. It can be added if the council would like.

Councilman Drybread said most people are surprised by the cost of the infrastructure for fire protection.

Mr. Huddleston said the draft in front of the council members now which is read only for this meeting will be revised to attach a fee schedule as prepared by Umbaugh. The fee varies by the size of the meter. Again for comparison, Bartersville does have this fee in place. Most others do not because they do not actually own their hydrants. There are a lot of cities and towns outside the county that are using this fee and again their reasons are the same as Edinburg's.

President Hoffman said with the combination of these two fees about \$360,000 will be taken out of the budget. President Hoffman opened a public hearing for the ordinance.

John Rondot asked if the user fee brings in more than the \$267,000, where would that money go.

President Hoffman said it would go into a certain fund that could later be used to improve the infrastructure.

Mr. Finley said Umbaugh has put the numbers together to get as close to the \$267,000 for maintaining the infrastructure as possible.

President Hoffman closed the public hearing.

President Hoffman said next on the agenda was an ADA compliance discussion from Building Commissioner Wade Watson.

Mr. Watson said the ADA regulations were actually passed in 1991 and communities were required to have an ADA transition plan in place by the following year so the town is behind on this matter. The new importance of addressing this is the federal government says they can

suspend any grant money from communities not in compliance with the ADA transition requirements. The ADA law is in place to make sure all government services have equal access to anyone with a disability. It says the town needs to have a transition plan from non-compliance to total compliance sometime in the future and have that written plan in place. In the event that the town would have a complaint, the department of justice could come in and give the town a very short window to get the plan in place. The town has met with Strand Engineering and they have given a quote on the cost of creating a transition plan. The town could do a competitive bid to see if there was a less expensive alternative but he believes the process will be more than the town can handle internally.

President Hoffman asked if Strand Engineering would be available to explain the whys and hows of this in a public meeting.

Mr. Watson said yes they would be delighted to come and make a presentation.

President Hoffman asked Councilman Drybread if there was anyone he knew of that could make a competitive bid.

Councilman Drybread said there a few firms the town could look into. He said his guess though is that most of them will be pretty close to what Strand has quoted.

Councilwoman Ervin said she would like to see more numbers even if it is just a couple more bids. When Strand actually gives its presentation it will give the council a chance to ask questions.

Councilman Drybread said state board wants to see more than one quote when the dollar amount reaches a certain point.

President Hoffman asked what the quote was from Strand Engineering for the record.

Mr. Watson said \$58,000. The plan would include priorities in the plan, the cost of each item, and where the funds would come from. He said he would speak to Strand about presenting at a council meeting in the future.

Council Comments

Councilman Rooks said on behalf of the school he would like to thank Mr. Drybread and the guys he has had working at the athletic field. It has saved the school a lot of money.

Councilwoman Ervin said she had received an email from Andrea Perry from East Side Elementary thanking the town for its donation and gave a list of ten books they had purchased in memory of Ethan Powell.

Daniel Teter said the parks department would be having its first annual Halloween festival with trunk-or-treating and free hot dogs and apple cider. There has been a donation of 150 bales of straw to do a straw maze if the rain holds off. There will also be a Halloween egg hunt as well. The idea was to put this together to give kids a safer way to trick-or-treat. He said he is confident it will get better each year. He said he had also been speaking with the school about having the Babe Ruth team utilize the high school diamond. The Babe Ruth team plays 10 games a year and has a dedicated diamond at the sports complex that only gets used 10 times per year. If they could change that diamond into another small diamond it would get used much more often and would allow for larger tournaments and bring in more revenue. That is something the parks department will be looking into.

Public Comments

Bill West said he would like to thank the town for its help with the food pantry. The help from the town when employees make runs to Gleaner's has been much appreciated. The people running the food pantry do a lot of work so any help they can get is great.


Councilman Drybread said the food pantry is down to about \$1,000 and it costs about \$1,000 each time they pick up from Gleaner's. He said the town may look into some of its funds to see

if they might be able to help out with that. It is a needed community service and they do a great job. The town is already going to put a ramp on the front door because there has been some difficulty with people trying to get carts up and down curbs.

Being no further business or comments, Councilman Simpson made a motion to adjourn the meeting. Councilman Drybread seconded. Unanimous.

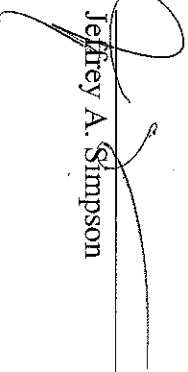
EDINBURGH TOWN COUNCIL


Ron Hoffman, President


Curtis Rooks, Vice President


John Drybread


Kami Ervin


Jeffrey A. Simpson

ATTEST:


Scott Finley, Clerk-Treasurer