

SOUTH WHITLEY TOWN COUNCIL REGULAR SESSION MEETING MINUTES
TOWN HALL BOARD ROOM
118 E FRONT ST SOUTH WHITLEY, IN 46787
MARCH 22ND 2016 6:30 PM

The South Whitley Town Council met in regular session on Tuesday, March 22nd 2016 at 6:30 PM in the Town Hall Board Room. Those present were Council President Bill Boggs, Councilman Les Hoffman, Councilman Randy Cokl, Waste Water Operator Kent Slater, Town Marshal Mikel VanDevender, Town Attorney Gregg Hockemeyer and Clerk-Treasurer Janet Howard.

The meeting was called to order by Council President Bill Boggs at 6:31 PM and followed by the Pledge of Allegiance.

The minutes from the March 8th 2016 Regular Session Meeting were approved. Motion was made by Councilman Cokl and seconded by Councilman Hoffman and carried by unanimous vote.

AVP'S were presented for approval totaling \$164,560,87. Motion was made by Councilman Cokl and seconded by Councilman Hoffman and carried by unanimous vote.

Old Business – Craig Wagner with the Whitley County Building and Planning Commission approached the new Council about the property at 410 S State St that he started working with the prior Council on unsafe building order on this property in 2014. Joe D Kyler is the current owner of property and can't find him and no way of contacting him unless someone here knows of him. Craig wants to know if town wants to go ahead with pursuing the unsafe order. Mr. Wagner said even without getting ahold of property owner we could go ahead with the demolition of the property. There was a tax sale on this property and the person who made the initial payment must have come to the same conclusion that the property was unsafe and did not make the next payment therefore the property went back to the original owner so the way it works is they issue the order and there is a series of things they have to do. By state statute they have to file notifications to the local papers in the county to try to find anyone that may have ownership of the property and they order the demolition and then advertise again to let anyone with ownership know that in 10 days will collect bids for the demolition and then will bring the bids back to the board for approval and then would go ahead with the demolition. The town would initially pay for the demolition and pay for out of the unsafe building fund which the town has. I would estimate the cost would be around 5,000 to 7,000 at best case scenario. Once the demolition is complete and debris is removed they will bill owners and if cannot find anyone it goes on tax lien. They acquire property and try to sell the property. Mr. Wagner said there are actually two properties there but both are in the flood plain which is an issue to sell. Attorney Gregg Hockemeyer wanted to inform the board by putting a lien on the property does not guarantee that you will get your money back. If it is a real safety issue that is what you would make your decision on. Mr. Wagner said it takes 90 days to get to bid part after all notifications are done. Motion made by President Boggs to have Craig pursue this issue with the unsafe building order and seconded by Councilman Hoffman and carried by unanimous vote.

2nd reading of Amending Ordinance to Modify Various Provisions of the Sewer Use Ordinance No. 03-08-2016-01. Motion made on final reading by Councilman Hoffman and seconded by Councilman Cokl and carried by unanimous vote.

Security Camera Quotes – Mikel would like wireless on park and Clerk's office but not really necessary on water plants. Mikel gave the council quotes at March 8th meeting to look over and the Council decided to go with Digital Videos quote for \$10,076.00. Motion was made by Councilman Boggs and seconded by Councilman Hoffman and carried by unanimous vote.

Sale of Water Utility to American Water – Attorney Gregg Hockemeyer explained to the Council that if anyone was interested in the sale you would have to go ahead by making a motion to wave the rules and let it be adopted by unanimous vote and seconded then followed with unanimous vote. That would allow you to go ahead and vote to sell. If no one is interested in the sale it would fail for lack of action and no motion made it would become dead. American Water stated to the Council even if your vote to adopt the ordinance it doesn't mean the sale would go through. A sale would be presented and would have to agree on the sale. This just buys you more time and is subject to a referendum. No motion was made by council.

Employee Manual Benefits – Attorney Gregg Hockemeyer prepared a draft of new policy manual for the Council to look over and was tabled until the next meeting.

New Business – Janice Perry who resides at 612 N State St in South Whitley wanted to bring up a complaint about the increasing amount of trash that blows into their yards from the Dollar General store and Whitley Manufacturing. She stated the store has a dumpster out back but feels they need to put a trash up front for people to use instead of just throwing it on the ground when they leave the store, she feels this is a problem and Attorney Hockemeyer asked Town Marshal Mikel VanDevender to talk with Dollar General about the possibility of putting a trash can up front. He also felt there might not be anything they can do about Whitley Manufacturing and if Dollar General says no to the trash can they will have to look into other avenues. Janice also stated that she had talked the past Council and Dave Wilkinson about her taking care of stray animals before they are transferred to the animal shelter and wanted to know if this Council would consider this. She stated she has a shed now and would be able to keep animals for a while to see if someone claims them. Ms. Perry stated she has talked to her insurance agent and this would be covered through her insurance with no problem with liability. Attorney Hockemeyer said this would be a policy decision for the board. Mikel is going to work with Ms. Perry to work out the details. The subject of hiring a Town lineman was brought up and need to get moving on getting job advertised through local papers and professional journals like IMPA. Attorney Hockemeyer stated they need to have a salary range in mind and partial job description for the paper. Councilman Cokl will start on this process.

Town Marshal VanDevender has talked with INDOT about state regulations with the Reader signage the Township Trustee would like to have at the Fire Station location which is on a state highway. INDOT clearing stated that it can't be within 300 feet of a residence without a written agreement with property owners. Mikel will let Trustee know this and that the Trustee will need to follow through with this and maybe think of alternate locations. As far as the required painting of the airplane, we have a rough plan to give them. Mikel said that the SRO contract has been signed by Pierceton and is complete. Mikel would like to look into different host for the town website. The current website has not been working well. Councilman Hoffman suggested to go ahead and bring some quotes for them.

Waste Water Operator Kent Slater said he has the Proposed Agreement signed and sent back to IDEM. He stated a long control plan and compliance plan needs done by September 30th 2016 and Donahue has been working on this. Councilman Cokl stated that Laurie Shipman with the EDC said this would help us get grants. Kent is still getting quotes for generators and also for gas furnace for the Utility Building. He said we are currently paying 5,000.00 in the winter to heat this building, it has a regular electric

furnace and 3 hanging electric heaters that use a lot of electricity and would be a considerable savings to switch to gas furnace. Kent said the parts for the generator at the waste water plant will take 7 to 8 weeks to come in and then have in put back together. The town is renting a generator until this is fixed but the warranty probably will not pick up this cost. Kent says he is still waiting for the cause. Attorney stated most warranties are limited to what they cover on repairs and parts. But suggested they look at the warranty. Kent had a letter from Main Street to read to Council because they had a meeting at the same time and couldn't make it. Letter ask the board to consider paying the flowers for the new lights at the north edge of town to tie in with the downtown flowers. She did have a quote from Countryside to add on to the quote for the downtown area. It was discussed and mentioned that the Main Street should approach Whitley Manufacturing since the lights are on their property to see if this is okay with them and maybe also the cost for this. Discussion about the globes on the downtown light poles are terribly yellowed and would like to price new ones. Kent mentioned that the flags have been ordered for the light poles and wanted to know about putting them up earlier than they have been in the past, it was decided to put them up around the first of May.

Town Marshal mentioned the town cleanup is usually the weekend after the garage sale and wondered if anyone has contacted Advanced Disposal. Attorney Hockemeyer mentioned the contract has this provision in but not sure it states when. Contract will be looked into and contact Advanced Disposal about this. Council agreed unanimously that the weekend after the garage sale should be the date.

Attorney Hockemeyer had the first reading of Ordinance amending the Town of South Whitley Code to modify certain Sewer rates and charges having to do with seasonal water use. Motion made by Councilman Boggs to pass the first reading of Ordinance No. 03-22-2016-01 and seconded by Councilman Cokl and carried unanimous vote. The second reading will be at the April 12th 2016 meeting.

Clerk-Treasurer Janet Howard reported to the Council that Councilman Hoffman and herself went to the Library Board meeting on March 10th. Clerk Howard stated she presented the Library Board a letter which stated the town is respectfully requesting to terminate our contract with the Library Board concerning the lease of the property which was used for the Town Manager position. Our recent elimination of this position has made it unnecessary to continue this lease for the Town of South Whitley. Your favorable consideration in this matter is greatly appreciated. The Library Board voted in favor of our request to release the Town from this contract. Star Insurance has been contacted to remove coverage on this property and also NIPSCO and ATT for bills under this address. The Clerk asked the board to approve her going to Clerk-Treasurer school on May 10th and 11th for Budget and State reporting class. They all stated they thought it was a good idea.

Public Input- Tom Crowder stated to the Council while they are determining their decision on the sale of the Water Utility to consider a few things. That they're savings is tied to the actual cost of the project and looking back during the quiet time that American Water still came to our meetings while it is an open meeting and have the right to be there American Water approached the board after the meeting was over and asked if they had any questions trying to initiate contact goes towards the character of the company. Also they are assuming that South Whitley is unable to take care of the quality of water and personally I feel the Town employees are capable. Tom said he was at the meeting to see if he needed to turn in petition if going forward with the sale.

American Water representative said that it disturbs him when someone questions the integrity of American Water and that the quiet period was structured to give the citizens of South Whitley time to generate a petition to go to referendum and that they could still have conversations with the board. He said in the future I hope that Tom would get his facts correct. He then thanked the board for working with them and is disappointed in their decision but we will leave it at that. Chris Harrison with American

Water was very upset with the comment by Tom and he said appreciated the boards time and efforts and in the future if you decide to change your mind we would be willing to talk. Councilman Hoffman said he would like to thank them for their time and hopes they would be open for future talks if something comes up but at this point and time it just wasn't to be. American Water said we are an option if you ever change your mind in the future.

Motion to adjourn at 8:01 PM was made by Councilman Hoffman and seconded by Councilman Cokl and carried unanimous vote.

ATTEST

Janet Howard
Clerk-Treasurer Janet Howard

Bill Boggs
President Bill Boggs
Les Hoffman
Councilman Les Hoffman
Randy Cokl
Councilman Randy Cokl