

MINUTES OF A REGULAR MEETING OF THE CLARKSVILLE TOWN COUNCIL HELD ON FEBRUARY 6, 2012

A regular meeting of the Clarksville Town Council was called to order on February 6, 2012, at 7:00 P.M. in the council chambers of the Clarksville Municipal Center Administration Building by Council President John Gilkey who chaired the meeting.

Council members present: John Gilkey, Paul Kraft, Donald Tetley, Bob Popp and Paul Fetter, Tim Hauber and Bob Polston. Also present at the meeting: Fire Chief Tom Upton, Police Chief Mark Palmer, Street Commissioner Brad Cummings, Director of Engineering and Stormwater Tom Clevidence, Mike Otto representing the Town's wastewater facility plant, Project Coordinator Brittany Montgomery, Financial Advisor Roberta McLemore, Town Attorney Rebecca Lockard, Town Attorney Chris Sturgeon, Redevelopment Director Rick Dickman, Planning Director Sharon Wilson, Parks Superintendent Brian Kaluzny, Building Inspector Ilpo Majuri, Administrative Assistant Patricia Fraser, Clerk-Treasurer Robert Leuthart, Chief Deputy Clerk-Treasurer Sherry Lockard, and Deputy Clerk-Treasurer Anita Elliott-Neeld.

FOP Presentation... Police, Fire and Safety Commissioners Butch Coleman and Lester Allen introduced Jacob Lewis and Arthur Popplewell as new police officers that were recently hired to the Police Department. Judge Mickey Weber was present to swear them in of their duties.

Appointment to Unsafe Building Commission... Council President Gilkey announced his appointments of John Phipps and Dave Disponett to the Unsafe Building Commission. A motion was made by Council Member Kraft to approve the appointments of John Phipps and Dave Disponett, seconded by Council Member Popp and carried by unanimous vote. Judge Mickey Weber was present to swear them in of their duties.

Public Comments... Several residents of the Lewis & Clark @ Brown Station Way area expressed their concerns about the possibility of removing the overpass located at this intersection. Mr. John Krueger came before the Council expressing his concerns about recent audits addressing the Street Department.

Approval of Minutes... A motion was made by Council Member Kraft to approve the minutes of an executive session held on December 19, 2011, seconded by Council Member Tetley and carried by unanimous vote. A motion was made by Council Member Kraft to approve the minutes of a regular meeting of the council held on December 19, 2011, seconded by Council Member Popp and carried by unanimous vote. A motion was made by Council Member Fetter to approve the minutes of a regular meeting of the council held on January 17, 2012, seconded by Council Member Hauber and carried by unanimous vote.

Proposal with Clark County Regarding GIS System... Planning Development Director Sharon Wilson brought before the council information from Clark County regarding the GIS System. Ms. Wilson explained that the agreement has two options of participation and that the other surrounding cities have not yet committed to the agreement. She explained that the GIS is an aerial photography that will identify stormwater and street infrastructure and all impervious areas that the wastewater billing office used for the monthly billing to homeowners. A motion was made by Council Member Fetter to accept the proposal with Clark County on the contingency that the other surrounding cities commit to the agreement. The motion was seconded by Council Member Kraft and carried by unanimous vote.

Acceptance of Agreement with Hart's Surveying and Engineering, LLC... Mr. Harold Hart of Hart's Surveying and Engineering LLC came before the Council with an agreement for professional engineering and land surveying services for renewal. Mr. Hart explained that there was no increase from the prior agreement of the \$75.00 – \$85.00 per hour fee. A motion was made by Council Member Polston to accept the agreement with Hart's

Surveying and Engineering, the motion was seconded by Council Member Kraft and carried by unanimous vote.

Adoption of Ordinance 2012-S-04 Providing for Promotions in the Fire Department... Following the presentation of a proposed ordinance numbered 2012-S-04 amending ordinance 2012-S-01 increasing the numbers of sergeants from three to six, explaining that increasing the number of sergeants to six will save in overtime expenses and allow a firefighter to be stationed at station three full time. A motion was made by Council Member Polston to consider Ordinance 2012-S-04 for adoption on its first reading at this meeting; the motion was seconded by Council Member Tetley and carried by unanimous vote. A motion was made by Council Member Polston to adopt Ordinance 2012-S-04, seconded by Council Tetley and carried by unanimous vote.

Acceptance of Uniform Conflict of Interest Disclosure Statement... Town Attorney Chris Sturgeon presented a uniform conflict of interest disclosure statement from Council Member Tim Hauber for construction or remodel projects. A motion was made by Council Member Kraft to accept the disclosure statement, seconded by Council Member Popp and carried by unanimous vote.

Consideration of American Water Operations and Maintenance Agreement for the Wastewater Treatment Plant... Project Coordinator Brittany Montgomery brought before the council a letter addressed to American Water Operation and Maintenance informing them that The Town of Clarksville will not be extending its current agreement for renewal. A motion was made by Council Member Hauber to approve the letter not to renew the agreement with American Water Operations and Maintenance of the Wastewater Treatment Plant, seconded by Council Member Fetter and carried by unanimous vote.

Acceptance of Agreement with Stantec Consulting Services Inc. for Drainage Study... Project Coordinator Brittany Montgomery presented an agreement from Stantec Consulting Services for the Cane Run and Mill Creek preliminary drainage study in the amount of \$46,300.00. A motion to accept the agreement with Stantec Consulting Services was made by Council Member Kraft, seconded by Council Member Hauber and carried by unanimous vote.

Lewis & Clark Parkway/Brown Station Way Intersection Improvements... Project Coordinator Brittany Montgomery brought before the council information that was requested by council members at a previous work session on the Lewis and Clark Parkway/Brown Station Way Improvements. Following discussion, a motion was made by Council Member Tetley to re-open negotiations with INDOT for not removing the bridge at the intersection. The motion was seconded by Council Member Polston and carried by 5 aye votes with Council Members Fetter and Popp opposing. Ms. Montgomery requested a council member to join her in further negotiations with INDOT and Council Member Polston was nominated.

Consideration of SAFER Grant Application... Project Coordinator Brittany Montgomery brought information to the council regarding a grant the State is offering to hire firefighters. Ms. Montgomery explained that she needed council approval before applying for the grant. Following discussion, a motion was made by Council Member Tetley to wait until next year to consider the application for the firefighter grant. The motion was seconded by Council Member Fetter and carried by unanimous vote.

Colgate Property Clean Water Discharging into Sanitary Sewer... Project Coordinator Brittany Montgomery brought before the council information regarding the Town's inspection of the manhole that serves the sanitary sewer line from the former Colgate Property. Ms. Montgomery reported that the findings showed the property was in violation with the Town's ordinance. The Town's ordinance specifies the amount of discharge allowed into the sanitary system and the property is well over the limit. Ms. Montgomery recommended to the council submitting a letter to the owners of the property stating that they are in violation and that they needed to bring the average daily flow of clean water to the specifications of the ordinance within 45 days. Following discussion, a motion was made by Council Member Fetter to take the recommendation of Ms. Montgomery and submit the letter; the motion was seconded by Council Member Hauber and carried by 5 ayes with Council Members Kraft and Tetley opposing.

Approval to Seek Proposals for Landscape Services... A motion was made by Council Member Fetter to seek proposals out for RFP's (request for proposals) in reference to

the Town's landscaping services. The motion was seconded by Council Member Kraft and carried by unanimous vote.

Approval to Seek Proposals for Temporary Employee Services... A motion was made by Council Member Tetley to seek proposals out for RFP's in reference to the Town's temporary employee services. The motion was seconded by Council Member Fetter and carried by unanimous vote.

Approval to Seek Proposals for Auctioning Town Vehicles... A motion was made by Council Member Hauber to seek proposals out for RFP's in reference to the Town's Auctioning of vehicles. The motion was seconded by Council Member Kraft and carried by unanimous vote.

Consideration of Proposal for Review Appraisals... Redevelopment Director Rick Dickman reported to the Council that Ed Hare of Mills, Biggs, and Hare Appraisals has been working on appraisal appeals and requested that the council approve for Mr. Hare to review up to 5 more at a cost of \$500.00 each. A motion was made by council Member Fetter to approve the additional appraisals, seconded by Council Member Polston and carried by unanimous vote.

Acceptance of Agreements with H. J. Umbaugh & Associates... H. J Umbaugh & Associates presented an agreement to provide consulting of budgeting and other financial matters regarding the analysis of the estimated financial effect of the operation and management for the Municipal Sewage Works. A second agreement from H. J. Umbaugh & Associates was presented for providing comprehensive financial planning to the Town's current budget. A motion was made by Council Member Kraft to table both agreements at this time, seconded by Council Member Polston and carried by unanimous vote.

Adoption of Resolution 2012-R-02 Regarding Allotment for Cell Phones... Town Attorney Sturgeon presented a proposed resolution numbered 2012-R-02 regarding the allotment for cell phones, allowing \$50.00 for eligible employees and \$80.00 for elected officials. A motion was made by Council Member Polston to adopt resolution 2012-R-02, seconded by Council Member Fetter and carried by unanimous vote.

Acceptance to Renew Agreement with News and Tribune... Representative from the News and Tribune came before the council requesting renewal of their agreement to join forces and work together with the surrounding communities to promote this area in a joint advertising campaign to promote health, wellness and fitness through Fitness Source Magazine. A motion was made by Council Member Kraft to renew the agreement with Fitness Source Magazine in the amount of \$3600.00. The motion was seconded by Council Member Hauber and carried by unanimous vote.

Adoption of Ordinance 2012-Z-01 Creating Section 157 Prohibiting the Installation and Use of New Water Wells Within The Town of Clarksville... Town Attorney Rebecca Lockard presented a proposed ordinance numbered 2012-Z-01 amending the 2011 zoning ordinance creating section 157 prohibiting the installation and use of new water wells within The Town of Clarksville. Attorney Lockard advised that this matter had been brought before the Town's Plan Commission and that the Plan Commission had issued a favorable recommendation that the amended zoning ordinance be approved. Following the introduction of proposed ordinance numbered 2012-Z-01, a motion was made by Council Member Kraft to consider the adoption on its first reading at this meeting. The motion was seconded by Council Member Fetter and carried by unanimous vote. A motion to adopt Ordinance 2012-Z-01 was made by Council Member Kraft, seconded by Council Member Fetter and carried by unanimous vote.

Adoption of Ordinance 2012-Z-02 Zoning the Attached Property in the Overlay Zoning Classification within The Town of Clarksville Prohibiting the Installation and Use of New Water Wells... Town Attorney Rebecca Lockard presented a proposed ordinance numbered 2012-Z-02 zoning the attached property in the overlay zoning classification within The Town of Clarksville prohibiting the installation and use of new water wells. Attorney Lockard advised that this matter had been brought before the Town's Plan Commission and that the Plan Commission had issued a favorable recommendation that the amended zoning ordinance be approved. Following the introduction of proposed ordinance numbered 2012-Z-02, a motion was made by Council Member Fetter to consider the adoption on its first reading at this meeting. The motion was seconded by Council Member Tetley and carried by unanimous vote. A motion

to adopt Ordinance 2012-Z-02 was made by Council Member Fetter, seconded by Council Member Tetley and carried by unanimous vote.

Adoption of Ordinance 2012-G-01 Establishing a Non-Reverting Fund for the Clarksville Police Department for the Use of Seized and Forfeited Monies... Town Attorney Chris Sturgeon presented a proposed ordinance numbered 2012-G-01 establishing a non-reverting fund for the Clarksville Police Department for the use of seized and forfeited monies. A motion was made by Council Member Hauber to consider ordinance 2012-G-01 for adoption on its first reading at this meeting. The motion was seconded by Council Member Kraft and carried by unanimous vote. A motion was made by Council Member Hauber to adopt Ordinance 2012-G-01, seconded by Council Member Kraft and carried by unanimous vote.

Adoption of Ordinance 2012-G-02 Establishing an Internal Service Fund... Town Attorney Chris Sturgeon presented a proposed ordinance numbered 2012-G-02 establishing an internal service fund designated as the Town Vehicle Repair and Maintenance Fund. The fund shall be funded by an initial transfer of unappropriated funds in the amount of \$5000.00. A motion was made by Council Member Kraft to consider ordinance 2012-G-02 for adoption on its first reading at this meeting. The motion was seconded by Council Member Tetley and carried by unanimous vote. A motion was made by Council Member Kraft to adopt Ordinance 2012-G-02, seconded by Council Member Tetley and carried by unanimous vote.

Acceptance of Amended Agreement with Crown Services Inc. for Temporary Employment Services... Town Attorney Chris Sturgeon presented an amended agreement with Crown Services Inc. for temporary employment services adding Section 1.1.3 which states the "pay rate" shall be the hourly rate determined and submitted by The Town of Clarksville for the specific employee being provided under section 1.1.1 or for which payroll services only are being provided under section 1.1.2. A motion was made to accept the amended agreement with Crown Services Inc. by Council Member Polston, seconded by Council Member Hauber and carried by unanimous vote.

Acceptance of MOU (Memoranda of Understanding) and Contingency Agreement Between the Clarksville Fire Department and the Sellersburg Volunteer Fire Department... Fire Chief Tom Upton presented a MOU and contingency agreement between the Clarksville Fire Department and the Sellersburg Volunteer Fire Department. The agreement states that both parties recognize the necessity to cooperate and work together to provide mutual and automatic aid and contingency assistance and to prove an organized means of resolving conflict, concerns and questions between and among the respective departments. A motion to accept the MOU agreement with the Sellersburg Fire Department was made by Council Member Tetley, seconded by Council Member Popp and carried by unanimous vote.

Acceptance of Agreement with Windstream/Allsource Communications for Telephone Service... Fire Chief Upton presented an agreement from Windstream/Allsource Communications for telephone service with the fire department at a cost of \$403.25 a month. A motion was made by Council Member Tetley to accept the agreement with Windstream/Allsource Communications, seconded by council Member Fetter and carried by unanimous vote.

Presentation of Award... Police Chief Mark Palmer presented an award to Police Officer Penelope Smith who is retiring after 20 yrs. of service.

Acceptance of Agreement with C-Tech Corp. for Harrison Avenue/Jackson Street Guardrail Project. Harold Hart of Hart's Engineering reported that quotes were received on the Harrison Avenue/Jackson Street project. Mr. Hart's recommendation of low bid from C-Tech Corporation in the amount not to exceed \$17,425.00 was presented for approval. A motion was made by Council Member Kraft to accept C-Tech Corporation agreement, seconded by Council Member Hauber and carried by unanimous vote.

Acceptance of Change Order #2 from Estes Excavating... Harold Hart of Hart's Engineering presented change order #2 from Estes Excavating for the effluent line channel stabilization in the amount of a credit for \$8709.00 explaining certain work in the original specs was not required. A motion to accept the credit change order from Estes was made by Council Member Hauber, seconded by Council Member Fetter and carried by unanimous vote.

Departmental Reports... Fire Chief Tom Upton reported that the Sellersburg Fire Department has withdrawn from participating in the First Responder Program. He stated that he is currently working with Clark County Central Alarm and Rural/Metro Corporation to assure there is sufficient first responders in the Clarksville area. A report of fire runs, training exercises and inspection was provided.

Police Chief Mark Palmer presented his monthly activity report and reported on current changes being implemented.

Superintendent Brad Cummings reported that the security camera system was installed and presented his monthly report showing month to date expenditures and savings on specific items purchased.

Director of Stormwater Tom Clevidence announced that there would be a meeting held with Clark County Soil and Water.

Mike Otto representing the Wastewater Treatment Plant presented a check in the amount of \$129,934.37 for reimbursement from the electricity and chemical fund that was remaining in the account at the end of the year.

Approval of Claims... Accounts payable registers presented for approval consisted of Town current claims in the amount of \$186,733.78, Town pre-approved claims issued 1/17/2012 through 2/6/2012 in the amount of \$521,860.57, Town and Wastewater/Stormwater utility gross payroll issued 1/27/2012 in the amount of \$274,582.95 Wastewater/Stormwater utility pre-approved claims issued 1/18/2012 through 2/1/2012 in the amount of \$43,458.11, Wastewater and Wastewater/Stormwater utility current claims in the amount of \$286,833.40. A motion was made by Council Member Kraft to approve the accounts payable registers presented. The motion was seconded by Council Member Fetter and carried by unanimous vote.

Adjournment... There being no further business to come before the Council at this time, the meeting was adjourned at 9:08 P.M.

Minutes prepared by the Clerk-Treasurer of
The Town of Clarksville, Indiana

Minutes approved by the Clarksville Town Council
on the 21st day of February, 2012.

Robert P Leuthart, Clerk-Treasurer
of the Town of Clarksville, IN

John Gilkey, President,
Clarksville Town Council