

MORGANTOWN TOWN COUNCIL MEETING

HELD JUNE 13, 2022

Attendance

The meeting was called to order by Council President, Penny Anderson at 6:00 p.m. Council member, Walter Abbott led the Pledge of Allegiance. Present were Council members; Walter Abbott, Courtney Allen, Terry Poindexter and Council President, Penny Anderson. Absent was Council member, Vern Snyder.

Also present were; Town Marshal, Ryan Swank, DPW, Kyle Rooks, Town Attorney, Lee Robbins and Clerk Treasurer, Sharon McIntosh. Special guest was; Lori Young with Curry & Associates.

URT Tax Repeal

Last session the Indiana General Assembly adopted House enrolled Act 1002 which authorizes the repeal of the Utility Receipts Tax effective July 1, 2022. The Town has factored this out of the rate structure which results in the water rates going down by a few cents. Steve Brock, the Town's Financial Adviser removed this tax from the rate structure and came up with a new rate. Town Council President, Penny Anderson made a motion to approve, Ordinance 2022-4 which amends the water rates. This was seconded by Council member, Terry Poindexter. All members voted in favor of the motion.

Playground Equipment

Council member, Courtney Allen provided the Council with an update on the playground equipment. Kyle Rooks is going to be the new contact person for the company the Town ordered the equipment from. The company must approve a delivery location and Kyle will be the contact person to arrange delivery as the equipment cannot be delivered to the park. The company which is installing the equipment must do an inspection of where the park equipment will be installed. The Town will receive an invoice and must pay half to order the equipment. Once that is paid the Town will receive a delivery date and an installation date.

Website Update & Training

This discussion was postponed until the next meeting.

Police Department

Ryan Swank explained he is ready to ask the Council to hire for the full-time deputy position. On March 2015 the position was posted and was advertised until April 10th. There were 30 applications that were processed for the position. Out of the 30 requests for applications 12

individuals returned applications by the deadline. There was a 50-question written test as well as the physical standards. Only 5 applicants showed up for the testing. An interview board was set up with individuals who were in supervisor positions in law enforcement. They were; Bob Downey, retired Morgan Co Sherriff, Paul Henderson, Chief Deputy in Brown County, Dewayne Little who is the Chief of Edinburg Police Department, Jill Weise who is the Police Chief of IU P D Bloomington. All the applicants answered the same 10 questions during their interview. The group ranked the applicants and removed the bottom 2 from the applicants. The 3 applicants met with the Council in Executive Session. Ryan Swank recommendation for the position is Kyle Adcock. Kyle has been a reserve officer for the Town since August 2020. Council member, Walter Abbott made a motion to hire Kyle Adcock as a full-time deputy at \$24.00 an hour. Council member, Courtney Allen seconded the motion. All members voted in favor of the motion.

Council member, Courtney Allen made a motion to sign up Kyle Adcock for the Academy as soon as the scheduling permits for a cost of \$500.00. Council President, Penny Anderson seconded the motion. All members voted in favor of the motion.

The Marshal would like the Council to approve Chris Darling as a new reserve officer. Council member, Courtney Allen made a motion to approve Chris Darling as a reserve officer. Council member, Terry Poindexter seconded the motion. All members voted in favor of the motion.

Update on Wastewater Improvement Project

Lori Young, an engineer with Curry & Associates provided an update on the Wastewater Improvement Project to the council. The project is 65 percent complete with a completion date of November of 2022. Lift Station #1 is complete and fully operational. Lift Station #2 is waiting on a generator and delivery has been delayed. The Lagoon is looking at sludge treatment as well as fill dirt. Last year was Change Order #1 due to material increases. Unsuitable soil is the reason for Change Order #2 for \$79,536.22 which was presented by Lori Young for approval. Council member, Terry Poindexter made a motion to approve Change Order #2. Council member, Walter Abbott seconded the motion. All members voted in favor of the motion. Pay Application #13 for \$216,295.50 was presented for approval to be paid. Council member, Walter Abbott made a motion to approve Pay Application #13. Council member, Terry Poindexter seconded the motion. All members voted in favor of the motion.

Lori Young addressed the property restoration and road paving concerns. Some of the trench repair has been done by Lykins but this is not the final product. They will come back and mill the area and do a surface overlay. Lori asked to please give Lykins the opportunity to do the

restorations in the effected property. Lori stated they want to avoid people fixing their yards and then sending in a bill for the work.

Roger Hickey is agreeable to a Land application permit to remove sludge to his property from the Lagoons.

Brown County water is interested in talking to the Town about emergency or other service. There have been some well problems lately so the Town would like to meet with them and talk about the possibilities. Kyle Rooks said he thought this was a good idea because the town's wells are old. Lee Robbins felt the first step would be to access the water system. Kyle said the water from the wells is good quality but the capacity is not there. Water leaks causes the water tower to not be able to keep up.

The Clerk Treasurer asked Lori Young about the invoices she has received from residents for payment and if they were moving forward with paying them. The clerk has turned all the invoices into Lori Young. The clerk asked about the large invoice to MacAllister for \$13,540.93 that she has been receiving each month. This invoice is for pumps that Steve Rose rented to be used at the Lagoon. Lori said the cost should be split between the Town and Lykins.

New Business

Glen Brown, 3605 S Morgantown appeared before the Council asking when the Town was going to do something about his water pressure. Kyle Rooks explained that DPW has checked the water pressure it reads 7 which is extremely low. Mr. Brown said he had been to Town meetings so many times because of this issue with the service line and no body has done anything about the problem. The average pressure is 26 and as low as 20. Lori said if the pressure is 7 then that is too low. Lori recommended an engineering study as the first step. It was decided to have Curry & Associates meet with Kyle to trouble shoot the situation and then make a recommendation as how to address Mr. Brown's water pressure.

Clay Kello on Mulberry Street came before the Council as he had questions concerning a platted alley. The county as the official record shows the platted alleys are public right of way or a utility easement. There is a dispute between neighbors and the other neighbor Shawn Feick said at some time in the past the alley in question was purchased from the town and she believes she owns the property. There is no record in the county that the alley was ever vacated or sold off. Lee Robbins looked at the deeds to both properties in question. Each property is a platted lot with a lot number. Neither of the deeds has any additional description of adding a 10-foot strip to their proprieties. If the property/alley is vacated then a line would

be drawn down the middle, half goes to one party and the other part goes to the other party. Lee believes the alley in question is a platted alley that neither party owns. The alley would be considered a utility easement, or public right of way. There is a garage that has been built that should not have been built. Mr. Kello asked for a written statement from the town indicating based on the town's review nothing has been found to suggest that this property is not still an alley.

A speed bump was mentioned by Clay Kello as he says cars drive extremely fast by his house on Mulberry Street and there are children playing. Lee Robbins explained before a speed bump could be installed the procedure would be to have a traffic engineer do a study and recommend a speed bump.

Sarah Dillahay's 90 days is up and President Penny Anderson felt the Council should extend to Sarah an offer of permanent employment along with a \$1.00 increase. Office hours are 8:00 a.m. to 12:00 p.m. and Penny wants to keep the Utility Clerk position under 30 hours a week. Council member, Courtney Allen made a motion to extend an offer of permanent employment to Sara Dillahay with a \$1.00 increase. Council member, Walter Abbott seconded the motion. All members voted in favor of the motion.

There was a question for Lori Young about the paving of the streets that were damaged due to construction as to whether the complete road would be paved or just the trenched areas. Lori said timing and cost were involved in the decision to mill and pave only the damaged areas.

Mr. Jones was representing the owners who want to remodel the gas station next to the Napa store. He spoke about getting a demo permit at the town hall. He said he asked for a renovation permit and when he went to Town Hall to pick it up, he was told he needed to speak to the Council. The Council President explained that they were told the owners were considering putting in apartments and had torn out the back wall of the building. That property is zoned business not residential. Mr. Jones explained that was something they were looking at but had not gone before Planning and Zoning to ask for a change of zoning. Town Attorney, Lee Robbins explained that building has not been used as a gas station for a number of years and under the zoning ordinance a gas station must have conditional approval for the Board of Zoning Appeals with a hearing and approval process. There has been no application made for a gas station. Lee explained it cannot go back to a gas station until they go through the approval process. Lee said he did not know where Mr. Jones was with IDEM but the property sits very near the Well Head protection of the town's wells. If apartments went in there it would require a variance or rezoning of the property. Lee Robbins spoke to the Building Inspector and he said he knew about the demo and renovation permits but he did not know

about a gas station. Lee said they needed to go before the Planning and Zoning about wanting to put in a gas station. The people involved in the project were confused about what was required and steps they needed to take.

Lee Robbins explained it was pointed out there were several utility accounts put on "HOLD" or suspended in the Keystone software by the former utility clerk, Becky Rose. Becky told these people they did not have to get a water bill. This means the customer is not getting a bill and their name does not come up for the meter to be read. Some of the accounts go back to 2018, 2019, 2020. This number included a couple of businesses, rental property and homeowners. Lee said we have an Ordinance in place and a State Statue that won't allow this. Anyone who is connected to the water system must pay a minimum water bill. No one in the Town has any authority to waive a customer's bill except possible the Council. The Council received a copy of the Ordinance 2015-9 which says, "minimum monthly charges will not be abated or adjusted for seasonal or temporary vacancy of the property." Lee also read the State Statue concerning waste water users. Lee said he did not want this to go back on Sarah so he felt the Council should be aware of what has been done by the previous utility clerk and how they want Sarah to proceed in the future. Lee said he did not think the Council had any choice but to enforce the Town's policy and everyone who was not paying a bill must start paying a minimum monthly bill. Lee said it is very hard to go back and collect this past due amount when there was an agent of the town who told these customers they did not have to pay a bill anymore. The Council indicated they want the policy followed by the utility clerk and Sarah has been instructed by the Town Council to take the accounts off "HOLD".

Adjustments

Council member Terry Poindexter made a motion to approve the credit to waste water for \$87.63 for Barbara Powell at 259 S Church Street and to waive the penalty of \$36.94. Council member, Walter Abbott seconded the motion. All members voted in favor of the motion.

Council President, Penny Anderson made a motion to approve a waste water credit to Adam Priddy, on County Line Road for \$16.40. And to also approve a waste water credit to Raymond Leeman on Grant Street for \$163.74. Council member, Terry Poindexter seconded the motion. All members voted in favor of the motion.

Financials

Council member, Walter Abbott made a motion to approve the minutes dated March 7, 2022 and May 9, 2022. Council Member, Terry Poindexter seconded the motion. All members voted in favor of he motion.

Council member, Walter Abbott made a motion to approve the Claims dated June 13, 2022 for \$189,796.95. Council member, Terry Poindexter, seconded the motion. All members voted in favor of the motion.

Council President, Penny Anderson made a motion to approve the check register for May 2022. Council member, Walter Abbott seconded the motion. All members voted in favor of the motion.

Council member, Terry Poindexter made a motion to approve Lykins Pay Applications #13. Council President, Penny Anderson seconded the motion. All members voted in favor of the motion.

Council member, Terry Poindexter made a motion to approve Curry & Associates #0007. Council member, Walter Abbott seconded the motion. All members voted in favor of the motion.

The Clerk Treasurer, reported the Town received in May 2022 supplemental income from the Auditor of Morgan County. This money is above the amount of the regular monthly income for each Fund. The Town received; LIT Public Safety \$4,433.00, LIT Econ Dev. \$5,093.00, and LIT Certified Shares \$13,457.00 for a total of \$18,993.00 of additional income for the town.

It was decided to hold off changing the parking on Cross Street by the DPW garage.

DPW

Council member, Walter Abbott made a motion to approve the Legend invoice for \$650.00. Council President, Penny Anderson seconded the motion. All members voted in favor of the motion.

Kyle Rooks informed the Council he was interested in a new work truck and has found out there are no Government incentives for new vehicles. Kyle said with adding a third person to the DPW he would like to have another truck. Lee Robbins said there is still good financing out there even through the government pricing might not be there. Kyle said he can only get 1 quote. Lee Robbins explained he needs to try and get two other quotes.

Well #1 on Highland & Park Street needs a fence around the area. There is high voltage in the area and is a danger to anyone messing with the well.

Jessica Gardner Coy put in this 2 weeks' notice so the DPW will begin the process of hiring a new person to replace him.

Town Insurance

The Town insurance coverage has gone up in cost from the previous year with Morgan Insurance. The total cost of this year's insurance is \$44,861.00. The Clerk Treasurer will be working with Kim Meredith with Mayfield Insurance Agency to get another quote. Lee said that EMS is another company that writes insurance and that is who New Whiteland went with this year.

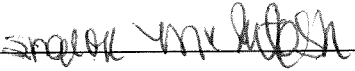
Website

There was a discussion about Daniel Elliott's proposal to do maintenance work on the Town's website. The site is several years old and needs updated. Daniel also offered to be the hosting site instead of Go Daddy. Go Daddy is paid through the year and is a couple of hundred dollars more than Daniel Elliott. The Clerk does not have the pass word only the pin number. She will have to get with Mr. Elliott and Go Daddy to get the information. Lee Robbins felt we need to have Mr. Elliott teach Sarah how to put information on the website. Right now, the website needs to be updated and bring information current.

The meeting was adjourned by the President.

Council Meeting Minutes for June 13, 2022, signed, July 11, 2022

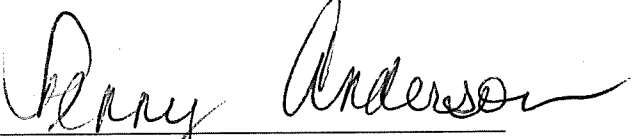
ATTEST:




CLERK TREASURER, SHARON MCINTOSH

7/11/22

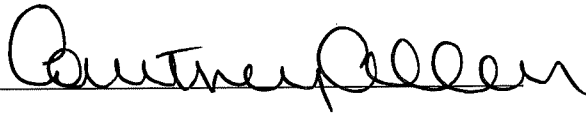
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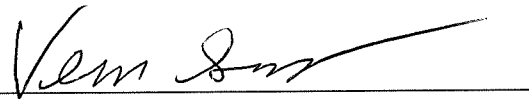
Town Council President, Penny Anderson



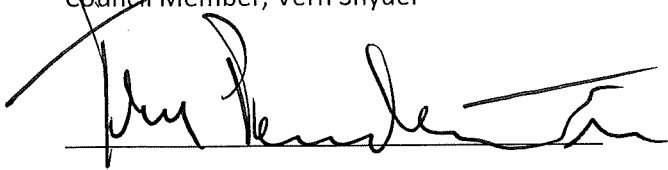
Council Member, Walter Abbott



Council Member, Courtney Allen



Council Member, Vern Snyder



Council Member, Terry Poindexter