

# Town of Hamilton

7750 S Wayne St – PO Box 249

Hamilton, In 46742

DRAFT – NOT YET ADOPTED

August 1st, 2011 Town Council Meeting

7:00pm

## **1. Council President Will Nuttle called the meeting to order at 7:00pm.**

Roll call: Councilors Jeff Bireley, Larry Grantham, Will Nuttle, John Damron and Brent Shull were present. The Clerk Treasurer, Hester Stouder was present to record the meeting. Also present was Town Manager Milton Otero and Town Attorney Dan Brinkerhoff. Attached is a list of audience members.

**2. Reading & Approval of July 5th, 2011 Minutes** – Councilman Jeff Bireley made a motion to approve the minutes as presented. Brent Shull seconded the motion; motion carried with majority aye votes

## **3. Clerks Report -**

- A. Claims – Brent Shull made a motion to approve the claims presented. Jeff Bireley asked who the PC Doctor was on the claims list, wanting to make sure we were still using Rich Rossmeier for computer services. The clerk said this was simply Mr. Rossmeier's business name. Mr. Bireley then seconded the motion, a vote was taken and the motion carried.
- B. Delinquent Water/Garbage Accounts– Clerk Treasurer Hester Stouder presented the list of delinquent water/garbage accounts, Brent Shull made a motion to accept the delinquent water/garbage accounts. Jeff Bireley seconded the motion; motion carried with unanimous voice aye votes. Will Nuttle said he noticed the list was getting smaller.
- C. Resolution 2011-4 – Clerk Treasurer Hester Stouder read over the resolution requesting an additional \$21,380.00 be appropriated from the CEDIT fund. This money will be used to finance work for the Lake Street Parking lot based off the quote Milton provided to the council. Larry Grantham asked if the quote included hand railings for the stairs? Milton said it did not include railings. Brent suggested talking with TRITON metal products to have railings installed. Brent then made a motion to approve resolution 2011-4 Jeff Bireley seconded the motion. Prior to voting, councilman Damron asked Town Attorney Dan Brinkerhoff if the new law regarding common construction wage would apply to this project? Mr. Brinkerhoff said because the contract's language the project would not be subject to the common construction wage. A vote was then taken and all members present voiced aye votes.  
John Damron asked Town Attorney Dan Brinkerhoff about the common wage council applying to the boardwalk project? The Town has committed \$62,000.00 towards this project. The improvement team has received a bid from Ingledue

Construction. Without knowing a lot about the project or bids Dan will be available by cell phone for questions during the HIT team meeting Tuesday.

#### 4. Reports –

Town Manager –Milton Otero has been unable to find who the owners of the piers are, except for the ones marked by the Lions club and Fire Department. Larry Grantham asked Bob Howard if the Lions club had been contacted and he said no. Since it was summer and more likely people would see them, Jeff Bireley suggested putting laminated signs on the docks informing them of the removal and needed permit. Milton will make the signs and will be working with the newspaper to communicate detour information during the construction process starting in September.

Milton has set up a meeting with the Dekalb surveyor for August 4<sup>th</sup>, 2011 to talk about the Terry Lake Culvert. If nothing comes about, he plans on talking to the Drainage Board. Larry Grantham asked if the commissioners had been included in these meetings? Milton said no, but some of the commissioners were on the drainage board. Larry and Brent would both like to attend the August 4<sup>th</sup> meeting. Brent asked if Milton could move it back to 2:00pm. Milton will check and get back with him.

Milton received a formal letter from Steuben County stating the Crystal Cove Bridge does belong to them. Because of this and burlap bags being removed from the drains allowing them to be cleaned, Milton recommended the council take over the roads in crystal Cove. Jeff Bireley asked about the other bridge near Lane 270. Milton said that was a private bridge and the one on 280 was the one referred too in the letter. Councilman Damron asked who would be signing off on the roads? Mr. Brinkerhoff said they are dedicated public roads in the plat. Because it's been over 2 years, the only thing the council needed to do was officially take them over. Brent Shull made a motion to officially take over the roads. John Damron seconded the motion, motion carried with all those present voicing aye' votes. *(Please see attached)*

- A. Street Department – *(Please see attached)*
- B. Police Department – Newly hired police Officer Jesse Torrey was present. He introduced himself and provided information on his background. *(Please see attached.)*
- C. Water Department –The cleaning of the culvert on Railroad Street will be postponed until the crops have been harvested on Leory Smiths property. John Damron asked if Mr. Smith had been contacted about the project? The Water Superintendent talked to the property owner's daughter, but not Mr. Smith. Milton had not talked with him either. Prior to any work being done, Milton will talk to Mr. Smith and Dan regarding a right-of-way easement. Larry Grantham said he is concerned why the Town is assuming this liability for cleaning a culvert that belongs to the railroad? Dan stated that if the drain is regulated then it is the counties responsibility. If it is private, then the owner if responsible for taking care of it. Milton said he was unsure, but would follow up with county

maps to determine the ownership. Larry had more questions about ownership and why the railroad wasn't taking more responsibility. He felt just because we had the equipment to potentially do the job, doesn't always mean we should jump in and do so. He asked how the project got started for the council to endorse it? Mr. Damron said the standing water when the drain backed up did damage to our road. He was also contacted by local residents about cleaning the culvert due to water backing up in their rental properties basement. When bringing the idea to the council, they agreed to try it with the boring machine, minimal cost and an agreement with the railroad regarding liability. Several meetings had taken place with the railroad company before it was brought before the council for a vote. A written agreement between both parties is on file. Will asked how the service line protection plan was going? Financial Solutions Group has the information needed. They will touch base in August if Milton or Justin hasn't heard anything. The temporary door at the plant is in place, the correct door had to be ordered and will be installed as soon as it comes in. The well house has temporary repairs; the new one is ordered and should arrive in 1-2 months. The water service on lane 221ac that served 2 properties has been severed to the 2<sup>nd</sup> house. Both property owners were informed and the one now without water understands the process for getting their own tap installed.  
*(Please see attached)*

## **5. Old Business –**

- A. Crystal Cove Road Dedication –Milton discussed this previously in his report.
- B. Drainage program – Milton has put together a rough draft of a drainage policy similar to the sidewalk program that was in place. It would be a 50/50 split cost and would take standing water from the property into the nearest lake or ditch. The policy addressed responsibility, easements, filing of paperwork, etc. Councilman Damron asked if this should be in the form of a resolution or ordinance? The Town Attorney said no a policy was fine. There were additional questions about the policy, property owners, etc. Brent suggested it be tabled until the September meeting to allow time for Dan and Milton to go thru the policy and make necessary changes. All board members agreed, it will on the agenda for September.

## **6. New Business –**

Jeff Bireley said there are problems near the crystal cove bridge heading towards land 280aa with people parking on both sides of the street. He isn't opposed to people parking on the side of the road. But it has become so crowded on both sides, that it has become a safety concern. He was hoping the Police Department could help patrol this area. Town Attorney Dan Brinkerhoff said an amendment to Chapter 7 of the ordinance book to say "no parking" would allow the Police to enforce the change and better patrol the area. Milton and Dan will work on getting this amendment put together.

John Damron asked how many were signed up for the August 11<sup>th</sup>, 2011 Main Street meeting in Hamilton? So far the clerk had 3 registered.

Councilman Damron asked if weed ordinance violations had been issued for the Crystal Cove area as he noticed they were getting tall? Milton said some violations were mailed and other property owners were called, but violations had been given. President Will Nuttle asked if Milton heard anything back from the request for addresses from Ball State? Milton said he has sent 2 emails and called twice, and has not heard anything back.

Will also asked about the Junk car violations? Milton said some vehicles had been tagged and some were moved.

President Nuttle asked about the dumpster handle being broken on the Downtown dumpsters. Milton said Allied has agreed to replace it once again. Councilman Jeff Bireley recommended sending a letter to each participating business asking for them to help keep an eye out for whoever may be tampering with the locking bar. Milton will draft a letter and make sure it gets to each of the participants.

With the new Solar Company moving into the vacant building and a recent article talking about abatements, Councilman Bireley said when the abatement request is presented he would like to know the exact dollar amount would be. This amount was not currently known. It will be for a vacant building deduction only, not property and not for any equipment that has previously been on an Indiana tax roll. More information will be provided to the council when the paperwork is filed. Currently Hamilton is the only community with all industrial buildings filled.

### **Public Comments/Questions –**

No comments were made or questions asked by the community.

With no other comments or items of business, the motion to adjourn the meeting was made by Brent Shull and seconded by John Damron the meeting adjourned at 7:43 pm.

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Hester Stouder - Clerk Treasurer

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Will Nuttle – Council President