

Town of Hamilton

7750 S Wayne St – PO Box 249

Hamilton, In 46742

DRAFT – NOT YET ADOPTED

February 8th, 2010 Town Council Meeting

7:00pm

1. Council President Brent Shull called the meeting to order at 7:00pm.

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

2. Reading & Approval of January 4th, 2010 Minutes – Councilman Jeff Bireley made a motion to approve the minutes as presented. Will Nuttle second the motion; motion carried with majority aye votes.

*** Bob Howard – Steuben County Economic Development – Bob Howard asked the council for \$1492.00 as a contribution towards an Action-Oriented Economic Recruitment & Investment Program. He went on to explain the SEDC had done a study similar to this internally, but it eventually became a “paperweight”. This being the reason they were hiring an outside company to conduct the study. The council asked questions about the continuing benefits of the study and needing re-assurance that it would not become another “paperweight”. Mr. Nuttle explained his concern of the group getting started and later asking for more funds. Mr. Howard said they might ask for more later, but it would be a minimal amount and couldn’t project what that would be. He said they had a desire to have certified shovel ready projects in the Cities & Towns they serve and hopes this project will help. Council President Brent Shull said he would like giving the council time to think and would re-address this topic under new business. (*The report explaining this project is available, please see attached.*)

3. Clerks Report -

- A. Claims – Clerk Treasurer Hester Stouder presented the claims for approval. With no questions, Will Nuttle made the motion to approve the claims presented, Jeff Bireley seconded the motion, motion carried.
- B. Delinquent Accounts – Councilman Jeff Bireley made a motion to approve the delinquent water/trash accounts as presented. John Damron seconded the motion, motion carried.

4. Reports –

- A. Town Manager – *Town Manager Milton Otero* said he was working with the Democratic Chair to find someone eligible to fill the vacant seat on the Plan Commission. Council President Brent Shull asked if the commissioners had an opportunity to change or review our jurisdictional area. Mr. Otero said yes, he

had been working with Chad Hoover and was able to find information showing our jurisdictional area, which had been provided, to the commissioners. Brent asked if this was in writing from Chad? And what the criteria was for determining jurisdictional lines? Mr. Otero said he and the commissioners attorney were in agreement that they do not go from the Town's corporate limits and go 2 miles north, south east and west. He said the Town petitioned to extend these lines when the Town expanded its corporate limits through annexation. Councilman John Damron said he was under the impression the process to extend the jurisdictional area from the annexed area on lane 148 was already being done. Mr. Otero said he and Dan had been working on this and the process was lengthy due to the number of parcels they had to go through along with formatting a petition. Mr. Otero said they are continuing to work on this process to present to the council for approval and then petition the County Commissioners for the change. But with Dan on vacation the process has been delayed. Brent Shull said he thought Mr. Brinkerhoff had already sent a letter and the commissioner's attorney was looking into the changes. Mr. Otero corrected him and said that was not the case. Mr. Damron then said he had received a call from one of the Commissioners expressing his concern that they had appointed someone to the open position, pending the jurisdictional changes. Mr. Otero said there is a misinterpretation with the boundaries, and the way the petitions were done previously. President Brent Shull asked Mr. Otero to provide this information to the council. With additional discussion taking place, Mr. Damron said it might have been an oversight, and the jurisdictional area wasn't extended at the time Lane 148 was annexed. To correct this possible oversight, Mr. Damron made a motion for the council to direct Dan and Milton to do whatever paperwork is necessary to include the additional 2-mile jurisdictional area that he feels we are entitled too resulting from incorporating Lane 148 as part of the town. Because once Lane 148 was taken into the town, there were no jurisdictional changes made and he would like the area described to be taken under our authority, Jeff Bireley seconded the motion. Motion carried with all board members present voting in favor of the motion. *The Town Manager* went on to explain the dumpsters are in place and keys are being handed out. Two more businesses have contacted him to be involved, with this recent addition he will be required to adjust the prices. More to follow as this progresses. The council wanted to make sure all departments would have keys, which he assured them they would. *Mr. Otero presented information* to the council about a fountain in the Mill Pond area. It will be funded privately and no action is currently needed by the council. As this project moves forward those involved will continue to update the council. *A new stimulus bill* is out and has minimum cost requirements for engineering services only. He outlined 3 roads in Hamilton that would be applicable for the grant. He also said if the Town had the engineering done for these roads and didn't get awarded this grant, they would then be considered "shovel ready" and would be applicable for other grants. He will update the council as more information becomes available. (Please see attached)

- B. Street Department – Mr. Otero requested the council's approval to repair the leaf vac for \$3,142.16. Clerk Treasurer Hester Stouder said they had budgeted to

possibly purchase a new leaf vac. Without knowing the price of a new one compared to the repairs needed, the request will be tabled until the March meeting when alternatives can be looked into and more information is able. Mr. Headley asked for the Towns time and equipment to transport the large Snowman to Marion for repair. The council agreed to provide the transportation and time needed. (Please see attached)

- C. Police Department – The new police car will be delivered and ready for pick up within the next couple of weeks. Money that was seized in a local drug raid was recently deposited as revenue for the Police Department as a result of Officer Warner making the request and filing the paperwork. Town Manager Milton Otero recommended to the council to keep a 4th vehicle for the reserve officers, overturning the previous decision to go down to 3. President Brent Shull asked Officer Warner if he had an opinion, which he said he didn't prefer one over the other as a 4th vehicle was only more valuable during parades. Will Nuttle said he only wanted 3 vehicles and wasn't going to change his mind. Councilman Damron said he would like to support Will Nuttle's original motion to only have 3 vehicles. Everyone else agreed and the original motion will stand. President Brent Shull said he would like to see the process started for filling the position of a 3rd officer. Milton said he would work with Jeremy on this and update the council at the next meeting. After a recommendation from Town Manager Milton Otero a motion was made by John Damron to promote Officer Jerney Warner to Town Marshal. Jeff Bireley added to the motion to provide back pay to Officer Warner from January since he has acted in the capacity since then. He then seconded the motion; motion passed with all members present voicing aye votes. The board members thanked him for the job he has been doing and his excellent service to the community. He was pinned by his dad signifying his promotion. (Please see attached)
- D. Water Department – Quotes were presented to the council for the purchase of new truck(s). This will be on the March meeting agenda. The Council was also presented with an updated cost sheet for all services provide by the water utility to include new boring services. (Please see attached)

5. Old Business –

- A. Water Plant Insurance - Clerk Treasurer Hester Stouder asked the council what they would like to do about increasing the insurance coverage on the Water Plant to reflect the actual value. Councilman Damron asked if the insurance could be 80/20 and still be covered up to 100%. The clerk said she had not asked this question, but would get the information and report back to the council. Jeff Bireley made a motion to increase the insurance on the water facility to reflect the actual value as recommended, John Damron seconded the motion, motion carried.
- B. TIF District Update - – Councilman Will Nuttle said the TIF district meetings would begin soon to gather the information needed and when the funds are available they will move forward to get a plan in place, as it will entail a lot of work between the Town Manager and Town Attorney.

- C. Region IIIA Income Survey Study– The Town Manager said he is waiting for the completed Database. When that is completed the contract will be available for signatures and then the survey can be started and they will be going door to door.
- D. Police Car Update – There are several options for getting rid of the 4th car, all of which are being looked into and will be brought back before the board when Town Manager Milton Otero has the information and amounts.
- E. Auction for unused Equipment – Councilman Will Nuttle said he had a meeting with the Police Department to identify unused equipment items that can be put up for auction and will provide that list to the council when it is completed.

4. New Business –

- A. Port Authority – Town Manager Milton Otero said he has provided Town Attorney Dan Brinkerhoff with the material and is waiting to hear back from him after he had already sent a letter to the County Commissioners attorney Mr. Stuckey. There are questions that remain regarding annexation and jurisdictional changes. It will be on the March meeting agenda.
- B. Boardwalk – The Hamilton Improvement Team submitted in letterform a request for \$62,000.00 of Build Indiana Fund monies. They have raised \$18,000 from private donors. John Damron made a motion to approve these funds to be set aside for the Hamilton Improvement Team to help fund the boardwalk project plan B. Jeff Bireley added to the original motion that he would like to see the funds set aside and only released when the other funds mentioned are there, with that he seconded the motion and motion carried with all members present voicing aye votes.
- C. SEDC – The board re-addressed the donation for the aforementioned study. Members expressed their hesitations and apprehensions to Mr. Howard. Jeff Bireley asked what the current membership dues of \$6,649.00 go towards? Mr. Howard said it was used to fund other functions they provide for the Town but was not sure exactly what those were. John Damron made a motion to approve the expense, Will Nuttle seconded the motion, John Damron, Will Nuttle and Brent Shull voted in favor of the motion, Jeff Bireley opposed the motion, motion carried. The board asked if they would get updates on the progress and confirmation that the study was everything Mr. Howard presented.
- D. Mr. Howard made mention to the Board he thought each member of the Redevelopment Commissions terms had expired. Mr. Otero said he was aware of this and is talking with Dan Brinkerhoff & Ginger about these positions especially since it will directly affect the TIF district's ability to move forward until new members are appointed.

Public Comments/Questions –

There were no public comments or questions at this time.

Councilman John Damron made a statement regarding a recent article in the Star. The article discussed the Build Indiana Fund and how the monies were found and what they would be used for. He corrected statements saying that the council was aware of the funds, their uses and what the funds were originally intended for. He stated that the council only needed confirmation that they could use the funds on other projects than what they were originally earmarked for. He also made a correction saying that the funds had been part of the Town's finances 12-13 years, not the 20 mentioned in the article.

Community Member and Reporter Tracy Thornbrugh posed a question to Councilman Damron asking in what meeting was it discussed to extend the jurisdictional boundaries? He replied that it was his understanding they were being worked on and would be petitioned to the commissioners. Mrs. Thornbrugh asked again in what meeting was this discussed? He responded to say it was not a meeting he was referring too, but he found the information in reports from the Town Manager and statements the Town Manager made. She also asked about the error in the lines? He said it is obvious if you look at the map where the errors are, at which time she asked what the benefits of extending such lines would be? Mr. Damron said the benefit of extension would provide an additional 2-mile area of jurisdictional boundaries for the town that we are entitled too and should have jurisdiction over after the area was annexed

With no other comments or items of business, the motion to adjourn was made by Jeff Bireley and seconded by John Damron. The meeting adjourned at 8:05 pm.

Hester Stouder - Clerk Treasurer

Brent Shull – Council President