

Town of Hamilton

7750 S Wayne St – PO Box 249

Hamilton, In 46742

DRAFT – NOT YET ADOPTED

September 6th, 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. Town Attorney Dan Brinkerhoff was absent. Attached is a list of audience members.

Hamilton Lake Association – The Hamilton Lake Association along with Steuben County Lakes Council presented economic information for lake properties. They communicated problems with raising enough funds to provide adequate weed spray on an annual basis. Saying in the worst years they only had 45% of lake property owners pay their dues and in the best years it has been up to 70%, still not enough to fund the almost \$88,000.00 needed annually, let alone the \$165,000 that was spent in 2010. In communicating with the Town about funding, the Lake Association realized they are unable to get an annual appropriation in the Towns budget. Previously they approached the Hamilton Lake Conservancy wanting to piggy back on their existing ability to incur revenue from Hamilton’s residents. The HLCD attorney and board turned them down because they collect revenue from Ball & Terry Lake and they didn’t feel it would be fair to charge customers who weren’t on Hamilton Lake.

After meeting with the Steuben County Lakes Council and getting vital information about the economic impact a lake has on the community, the Hamilton Lake Association wanted to approach the Conservancy once again, but this time with the Town Council’s support. The council was not opposed to helping but suggested including Ball & Terry Lake in their efforts to keep the lakes weed free and clean. If the association could contact a representative from each area and come to an agreement, the Town Council felt that would eliminate the Conservancy’s reasoning for saying no. The Lake Association agreed and thanked the Town for their time and support.

2. Reading & Approval of August 1st, 2011 Minutes – Councilman Brent Shull made a motion to approve the minutes as presented. Jeff Bireley seconded the motion; motion carried with majority aye votes

3. Clerks Report -

- A.** Claims – Brent Shull made a motion to approve the claims presented 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 noting that the list was much

smaller. Jeff Bireley seconded the motion; motion carried with unanimous voice aye votes.

- C. HBI 7008 Terry Lake Estates – Clerk Treasurer Hester Stouder explained to the council how a customer had a high water bill, chose not to have his meter tested and did not pay the entire amount of their bill by the due date. The customer was given a disconnect notice due to the unpaid balance. The customer said he was told by a council member not to pay the higher amount if he didn't have a leak and was having his meter changed. The customer ended up paying the balance owed, but didn't feel he should have to incur the late fee or mark against him per the Ordinance. The customer gave his version of the events and the council asked questions of both him and the Water Superintendent. Because the customer has not had the meter tested to ensure accuracy and because no single council person has the authority to waive any customer's bill, they said he was responsible for the late charges and the delinquent notice would count. If he agreed to have his meter tested and it came back inaccurate, they would discuss the options available. Until that time, they were standing by their decision. The customer said he understood and did not want his meter tested. He thanked them for their time and excused himself from the meeting.
- D. Ordinance 2011-3 – 1st reading - Clerk Treasurer Hester Stouder introduced the ordinance, it specified the allowable charges for mowing violations and how they were not capped annually but instead could roll over from year to year. Because a number of bank owned properties requested proof of ordinances, she wanted it to be spelled out as clearly as possible. Councilman John Damron moved to introduce it on first reading. Brent Shull seconded the motion, motion carried.

4. Reports –

- A. Town Manager – Milton submitted two bids for the boardwalk project. He indicated Ingledue construction would like to claim the local contractor's preference law. The council looked over the information provided by Milton; Brent Shull made a motion to approve the bid submitted by Ingledue Construction (\$71,610.00) for the boardwalk project. John Damron seconded the motion; motion carried with all members present voicing aye votes. Milton updated the council on the Terry Lake Culvert, meeting with T&E and the DeKalb County Surveyor. They both agree to help find a solution but do not claim responsibility for the culvert sinking. Milton has contacted engineers to discuss solutions; they estimated costs to be around \$50,000-\$150,000. Their suggestions included relocating the water main, cutting back the culvert so it isn't resting on the water main or monitor it for another year. Milton wanted the councils input, but suggested relocating the water main. As the council discussed the concern, Brent felt T&E was hired as professionals and should be the ones to fix it. Larry felt like we should know for sure if it is resting on the water main, as suggested in the July meeting, before relocating it. Jeff asked if T&E had any responsibility that we could hold them too. Milton said he wasn't sure and they did the work that was outlined in their contract. John felt like we should get more details on the costs of cutting the culvert so we at least have something to

compare. He also said without a performance bond it limited their liability after the project was complete. He said a Performance Bond should be a requirement by the Town on all future projects. In conclusion, the council asked Milton to take the suggestions to T&E and see how they would like to move forward. They also wanted to know what if any plans were in place to fix the road from where the culvert has sunk. He will get back with the council by the next scheduled meeting. *(Please see attached)*

- B. Street Department – Council President Will Nuttle would like for Milton to get with the Street department regarding the old mower deck that is unused. He would also like to see if there is storage room at the Street Department for the pipe that is outside the water plant. *(Please see attached)*
- C. Police Department –The monthly police report will now have information about the K-9. The council noticed it was frequently used in Butler and asked if we were receiving reimbursement for these calls? Jeremy said no, it is similar to agency assists and is an agreement between smaller departments. Butler has commented about helping with food costs, etc. Nothing has been done to date. Superior Canopy has donated material and services to construct a cover for the K-9's kennel. *(Please see attached.)*
- D. Water Department – Council President Will Nuttle asked if there was any use for the old well house if repaired. Water Superintendent Justin Stouder said it would probably cost more to repair it than it would be worth. The building is small and no one could really think of a purpose for it. *(Please see attached)*

5. Old Business –

- A. Full Time Fireman - The Fire Department was not prepared with the information requested by the council, thinking the meeting was the following week. They agreed to be on the October agenda. They will provide a job description and update on the October grant for a fireman at that time.
- B. Drainage program – Mr. Otero presented the Drainage policy again, not specifying if the Town Attorney had made any changes or looked it over. Councilman Larry Grantham said he was not in favor of any drainage policy that provided funding to repair private drains. Councilman Brent Shull said the intention was to fix drains that were having a negative impact on the Town's roads. Larry said he was fine with drainage projects such as those, but didn't understand why a policy was needed. The clerk said a policy was place because money was appropriated in the budget. At that time the council asked Milton to establish a policy for how drainage would be handled and the entire council was in favor of the idea. John Damron recalled the money being appropriated to build up funding for drainage and storm water drains to protect our roads from water damage and to help avoid flooding. The drainage concept is not foreign to the council many discussions have taken place about putting a policy in place. No further comments were made at this time.
- C. Way Finding Committee – Milton said the focus is more on tourism signs and as he attends meetings he will keep the council informed.

6. New Business –

A. Improvements to 800 South – Councilman Brent Shull said he asked Milton to set up a meeting with Ron Smith regarding 800 S and funding from the county to have it paved. Mr. Shull went on to say the new Family Dollar distribution center was going to increase traffic flow and would only damage the road more and thinks the county should take responsibility for having it paved. Councilman Bireley said he agreed with requesting the county do something and would like to see a meeting set up or a letter sent on behalf of the Town. Remaining members of the council agreed and Milton will send a letter.

B. Plan Commission Appointment – Councilman Will Nuttle informed the board of Will Howard’s resignation from the Plan Commission. Because this is a Council President appointed position, he has nominated Rich Sholl to fill this seat. Mr. Scholl accepted and will be in attendance at the next scheduled Plan Commission meeting.

C. Council president Will Nuttle said the Main Street Meeting in Hamilton August 11th, 2011 was a huge success. He said the community was complimented and well represented. He thanked everyone who helped or was involved for their time and efforts.

Public Comments/Questions –

No comments were made or questions asked by the community.

Councilman John Damron said he had new business to bring before the board. In the interest of time, he submitted paperwork to the Town Clerk and asks that they be part of the formal record of tonight’s meeting and also requested they be placed on the Town’s website. He indicated they were in response to recent questions and comments in a news article. No objections were made and they will be included with the paperwork for the official record.

With no other comments or items of business, the motion to adjourn the meeting was made by John Damron and seconded by Brent Shull the meeting adjourned at 8:40 pm.

Hester Stouder - Clerk Treasurer

Will Nuttle – Council President