

Battle Ground Town Council

Meeting Minutes, March 13, 2017

Attending: Steve Egly, Council President; Mike Bird, Greg Jones, James Miller, Clerk Treasurer Georgia Jones, attorney Zach Williams, Street Supervisor Ron Holladay, Town Marshall Jerry Burk.
Greg Schroeder did not attend.

Guests: Joanne Kuhn Titolo, Stan Cunningham, Sophia Pingley, Dave Buck, Ryan Smith, Jaff LaHaie, Dan Teder, Sanjay Arora.

Call to Order 7:00 p.m. by Steve Egly.

Bid Opening for Community Crossings grant projects by Zach Williams. Three companies submitted quotes based on two project specification lists; 1) Main Street, Winans and Prophet Streets mill and paving and 2) County Road 600 hill, mill and paving. Each company provided alternates. Motion by Greg Jones to take all quotes under advisement. Second of Mike Bird, motion carried. 4 Aye 0 Nay.

Company	Main Street	600 Hill	Alternates	Both	Totals
				Projects	
Fox Paving	\$ 22,250	\$ 48,950	\$ 920	\$ 71,200	\$ 72,120
Reith-Riley	\$ 26,100	\$ 58,750	\$ 1,450	\$ 73,555	\$ 75,005
Milestone	\$ 24,150	\$ 63,700	\$ 1,600	\$ 87,850	\$ 89,450

Guests

Americus Area Coalition requested a letter from the Council to the Board of Zoning Appeals, reaffirming Resolution 2014-59 which opposes the development of a limestone quarry at the proposed site near the Wabash River north of Americus due to potential environmental impacts. This letter was read to the assembly.

Motion by Greg Jones to approve this letter, second of Mike Bird. Motion carried, 4 Aye 0 Nay.

Stan Cunningham requests the Council's approval to change the zoning at 109 Main Street, Battle Ground from NB to R1. Dan Teder spoke on behalf of the request and answered questions.

Motion by Greg Jones to adopt Ordinance 2017-551 approval of the rezoning. Second of James Miller, motion carried. 4 Aye, 0 Nay.

Jeff LaHaie requested Council approval to discharge sump pump water at 6105 Gallegos to the street instead of a catch basin.

Motion by Steve Egly to approve the use of a pop-up valve to disperse perimeter drain sump pump water at the curb. Second of James Miller, motion carried. 4 Aye 0 Nay.

Sanjay Arora requested sewage utility service to 2006 E and 2014 E, County Road 600 North for commercial development, and was present to answer questions.

Motion by Greg Jones to approve the extension of sewer service, second of James Miller. Motion carried, 4 Aye, 0 Nay. Mr. Arora would need to consult with engineers from Butler, Fairman & Seufert for construction specifications.

Guests, continued

Dave Buck of Butler Fairman & Seufert presented a draft ordinance for the Storm Water Utility for consideration. There are two proposed fee structures, with a comparison of five fee levels. The Council will take the proposals under advisement and meet again at a future date for final consideration concerning formation of the utility and potential fees. At that time a complete ordinance would be created if needed.

Jack Freeman requested information on the repairs planned for CR600 hill.

Department Reports

Street Department

Ron Holladay received a request from Speedway developer to review their plans for Storm Water management.

Motion by Steve Egly to engage Butler Fairman & Seufert to comment on the plans. Second of Mike Bird. Motion carried. The cost is to be covered by the developer.

Sewage Department

A property on CR600 was discovered to have an illegal sewer connection for about 35 years. The Council may consider whether there should be an invoice for the tap-on or prior months billing.

Motion by Steve Egly to create a billing account for 2636 E 600 N as a sewage only customer effective with the next billing. Second of James Miller, motion carried. 4 Aye, 0 Nay. Invoicing for a tap-on fee or back billing is a question for the legal team, to be determined.

MS4

There is a question about the process to impose fines for non-compliance with MS4 requirements concerning concrete wash-out stations. Ron would like to issue fines the next time he sees violations particularly in Shawnee Ridge. Currently he would need a deputy to get to the site or send a notice after the fact.

Ron requests more communication from the Council regarding the various street projects underway at this time.

A local contractor is refusing to comply with town ordinance for a street cut permit on Tippecanoe Street. Work ordered by a homeowner resulted in removal of street surface by the contractor. Backfill is inadequate and the surrounding asphalt is sinking, creating a bigger problem. The contractor has not responded to verbal contacts for the permit and for appropriate street repair. Council requests a letter be sent to the vendor, Steve Linder, to notify him of the penalty fee for failure to obtain the permit.

Police

The Durango is not ready yet, waiting for a backorder to complete the equipment. Town of Oxford is planning to purchase the 2010 Crown Victoria.

Town Attorney

Zach reports the complaint order to continue the unsafe building process is drafted and ready to submit to the court pending the Council's approval. There is a binding offer from an investor to purchase the property for a storage facility. Dan Teder described the development proposal, commenting the Town property would need to be re-zoned from Highway Business to General Business or use a re-zone commitment establishing requirements that would run with the land and be enforced by Area Plan. Council members expressed concerns about the impact this would have on future development.

It was discovered that the deed presented to the Town Council by Shawnee Ridge Homeowners Association for Outlot A does not have a notarized signature of the HOA representative, which is necessary to record as a legal transfer. The HOA will need to submit a notarized document.

Clerk-Treasurer

Motion by James Miller to accept the minutes of February 13 and March 6. Second of Greg Jones, motion carried. 4 Aye, 0 Nay.

Motion by Mike Bird to accept the register of claims February 14 to March 13, 2017. Second of Greg Jones, motion carried. 4 Aye, 0 Nay

Request for approval to pay claims for A.E. Boyce software maintenance, IDEXX sewage lab supplies, and Accudig televising and jetting of sewer mains.

Motion to approve the invoices by Greg Jones with second of Mike Bird. Motion carried, 4 Aye, 0 Nay.

Committees

Personnel committee has started using DropBox to share information as the employee manual is updated. Draft will be available by April 10 meeting.

Communications committee is ready to advertise the use of PayGOV for utility payments using a credit card.

Streets and Roads will meet with Ron Holladay to review bids for lowest and most responsive. Steve Egly asked the attorney for a refresher on the rules for accepting a bid. If a vendor does not respond to the specs the council may take a different bid even if higher. The grant may be distributed to cover the sum of all projects, if one is under budget the remainder may be applied to another, within guidelines.

Jack Freeman informed the Council the Masonic Lodge has purchased 3 acres of land along SR225 west of town for future use as a park. He also formally requested a street closure for the Fiddlers Gathering.

Motion by Steve Egly to approve closing Battleground Avenue on June 23-25, 2017 in support of the Fiddlers Gathering. Second of Mike Bird, motion carried. 4 Aye, 0 Nay.

Old Business

The Town Marshall does not support Ordinance 2017-550, as the requirement is difficult to apply uniformly to all town streets. Steve Egly recommends withdrawing the ordinance for lack of a second reading. The situation in Shawnee Ridge might be addressed directly to control the situation of construction equipment blocking sight lines at an intersection. The Council defers to the Town Marshal to research state code for yellow painted curbs which might apply.

Old Business, continued

The digital ordinances update quote is not ready at this time.

New Business

Guest question about the timeline for North Street project. There is a pre-construction meeting March 23 and more will be known after that time.

The Council will meet Monday March 20 at 7:00 p.m. to consider the Storm Water Utility, accept a bid for the street projects and accept a proposal for digital ordinances update.

Motion to adjourn 9:12 p.m. by Greg Jones.

Georgia Jones, Clerk Treasurer

Steve Egly, Council President