

# Battle Ground Town Council

Meeting Minutes, May 9, 2022

Attending: Council President James Miller, Councilors Steve Hahn, Mary Jo Totten.

Also attending: Attorney Eric Burns, Town Supervisor Ron Holladay, Town Marshal Jerry Burk, Clerk Treasurer Georgia Jones.

Attending virtually: Councilor Greg Jones, and by phone: Councilor Matt Coppock

Guests: Colin Sullivan, Dave Buck, and virtually; Joe Kline, David Hittle, Greg Martz

James Miller called to order at 6:00 p.m. and there was an addition to the agenda for Prophetstown State Park wastewater utility service.

## **UZO Amendment #103**

David Hittle spoke to the council about Area Plan UZO amendment #103 for self-storage units in historic buildings, which was denied by the APC committee after a change was made to the text. They prefer the January 2022 edition of the amendment. The town may adopt the current version or amend it. Motion by Mary Jo Totten that town Ordinance No. 2022-607 UZO Amendment #103 be changed to use the January 2022 version. Second of Greg Jones, motion carried with unanimous vote, 4 Aye. Matt Coppock is not eligible to vote per virtual attendance ordinance. David Hittle left the meeting after all questions were addressed.

## **Minutes**

Motion by Mary Jo Totten to approve the minutes of April 11, April 27, and May 2 as presented. Second of Steve Hahn, motion carried with unanimous vote, Matt Coppock is not eligible to vote per virtual attendance ordinance.

## **Attorney**

The proposed "Tree ordinance" was discussed and Eric Burns noted that an approval on first reading would allow time to prepare relevant forms and acceptable species lists prior to adoption. Public notice will be given for a hearing on the proposed fees for non-compliance. Motion by Mary Jo Totten to approve Ordinance no. 2022-608 on first reading. Second of Steve Hahn, motion carried with unanimous vote, 4 Aye.

Eric Burns brought ORD 2022-610 Build-Operate-Transfer financing for Hawks' Nest lift station and other projects for consideration. Greg Martz of GM Development was available for questions. After the ordinance is approved, financing details including the rate would be prepared for acceptance at the June 13 meeting. Mary Jo Totten moved to approve Ordinance 2022-610 Build-Operate-Transfer financing on second reading. Second of Steve Hahn, motion carried with 4 Aye. Matt Coppock attending by phone is not eligible to vote. Greg Martz left the meeting after all concerns were addressed.

Town Marshal Jerry Burk submitted a list to consolidate parking violations into one ordinance. Eric Burns will create the final ordinance form for June 13 and also update fines and fees for removing junk vehicles.

James Miller presented a request from Prophetstown State Park for wastewater utility service to replace their septic systems. The Indiana Finance Authority (IFA) offers to pay for a Preliminary Engineering Report (PER) to identify needed upgrades to the plant, and to pay for those upgrades which are necessary to enable waste utility service to the park. The town would apply to IFA for a loan for upgrades, which would be forgiven after the projects are completed. There is consensus to authorize the PER with Butler, Fairman & Seufert. The park manager will be notified and the process with IFA will move forward.

A developer has interest in commercial construction on the northeast corner of CR600N at IN 43. There is a question what the town would agree to reimburse for utility service costs, if their installation would enable others to eventually have sewer service. There are no lots on the north side of CR600 that are within town limits, and there are no other requests for service from that area at this time. The council did not take action to respond to the question. Eric Burns left the meeting after all legal questions were addressed.

### **Contract Services**

Tomahawk Lane construction meetings are held weekly at town hall. A three-week schedule is posted at the work site to keep residents informed. Rob Surber is the point of contact for all issues with residents and the contractor.

Hawk's Nest right of way deeds are nearly complete, one property may require a condemnation process to avoid costly delay. If negotiations fail to reach agreement the court documents will be filed.

### **Clerk-Treasurer**

Motion by Mary Jo Totten to approve the Register of Claims April 12 to May 9 in the amount \$145,362.28. Second of Steve Hahn, motion carried with unanimous vote. This is the public hearing for Additional Appropriations, advertised in the Journal and Courier on April 28. Mary Jo Totten moved to adopt Ordinance No. 2022-611 Additional Appropriations as advertised. Second of Steve Hahn, motion carried with unanimous vote. The appropriations will be submitted to DLGF for approval and added to budget documents for 2022.

### **Police**

Jerry Burk asked Eric Burns to review service of ordinance violations when the individual avoids registered mail delivery. Service can be as simple as taping the notice to the door of the residence. Failure to respond would initiate a civil action in small claims court to collect the fees plus court costs. There was a discussion of the definition of "fence" as it pertains to securing pets on a leash or within a fence. Invisible fences are not specifically exempted in the ordinance so may be interpreted to act as a restraining fence.

### **Utilities and Street Department**

Ron Holladay reported these milestones for April: 1) Main Lift station is installed; 2) UV bulbs and replacement parts for the plant have been installed; 3) Seasonal employee will be hired to mow 10 to 15 hours a week at 15.00 per hour; 4) The street sweeper contract started in April, and will continue working the last Wednesday of the month through September; 5) The I & I issues will be a priority this

year as revenue allows; 6) West Lafayette Street Department will apply Total Patch road surface treatment to the areas identified by Ron and Greg Jones.

### **Redevelopment Commission**

No report, did not meet in April.

### **Area Plan**

UZO amendment #103 for self-storage was denied by the APC committee due to a change in the text which was not as appropriate as a prior version of the amendment.

### **Committees**

**Transportation** - Greg Jones will gather information to start the bid process for crack sealing on the CCMG 2022-1 project.

**Public Relations / Communication** – deferred to June

**Strategic Planning** - still working on Master Plan documentation

**Citizen Advisory Groups** – no report

### **Old Business**

East Street – The contractor Rock n’ Dirt brought equipment recently to smooth and compact the areas disturbed last year for the Main Street water line replacement.

Grant writer collaboration - no report

Support Fiddler’s 50th year gathering – no decision


Town cleanup day – Georgia Jones asked for a review of the April event and if the effort would be repeated next year in order to plan now for appropriate advertising, equipment and personnel for the work. The intent was to provide assistance to people who could not manage their yard work and encourage everyone else, and to provide a spring tour with the leaf vac to save time bagging leaves. Some residences were not collected because materials were left on the street Saturday after the crew had already passed by.

Jerry Burk reported that four people worked approximately four hours and took nine wagon loads to the plant. Any volunteers should be rostered with insurance for work comp and liability coverage.

### **New Business**

James Miller asked the council for permission to pursue his interest in PV solar electric options on behalf of the town. There was general agreement that it would be good information.

**Motion** to adjourn 7:56 p.m. by Mary Jo Totten with second of Steve Hahn.

  
Georgia Jones, Clerk Treasurer

  
James Miller, Council President



## Memorandum of Open-Door Law Compliance

Date: May 9, 2022

Time: 6:00 p.m.

Members Present in Person: Council President James Miller, Councilors Steve Hahn, Mary Jo Totten

Member Present Virtually on screen: Greg Jones

Member Present by Telephone: Matt Coppock

Also Present in Person: Attorney Eric Burns, Town Supervisor Ron Holladay, Town Marshal Jerry Burk, and Clerk Treasurer Georgia Jones.

Guest Present in Person: Colin Sullivan, Dave Buck

Guest Present virtually: Joe Kline, Greg Martz, David Hittle

Electronic Means of Communication Used For Members and Public: ZOOM.us

Attest:



Georgia Jones, Clerk Treasurer