

# Battle Ground Town Council

Meeting Minutes, September 13, 2021

*This meeting recessed at 8:00 p.m. and resumed at 6:00 p.m. on September 28.*

Attending: Council President James Miller, Councilors Matt Coppock, Steve Hahn, Greg Jones, Mary Jo Totten. Also attending: Attorney Eric Burns, Town Supervisor Ron Holladay, Town Marshal Jerry Burk, Clerk Treasurer Georgia Jones.

Guests: Joe Cline, Bill Jones, Ed Stanisz, Jamie Nagel, Mike Budzik, Dave Buck, Colin Dale, Colin Sullivan.

James Miller called to order at 6:00 p.m. and there were no additions to the agenda.

A request for sewage credit was received from Tom Cooper for TC's Restaurant. There was a plumbing leak and after investigation it was determined that a typical bill would be \$173.00 less than his actual bill. Greg Jones **moved** to approve a wastewater credit of \$173.00. There was a second by Mary Jo Totten, and the motion was approved by unanimous roll call vote.

## **Public Hearing**

The Public Hearing on the 2022 Budget was opened for discussion. Clerk Treasurer Georgia Jones began by providing a detailed breakdown of the budget lines from a previously distributed summary. The Council has the opportunity to adjust budget line items up or down but can't increase the total budget of the fund. A summary of each fund was presented on a zoom screen share to the Council and guests. The discussion included an explanation of reducing some of the 2021 fund budgets to allow those dollars to be used in the 2022 budget. The graphic also explained the sustainable revenue per fund and the relationship of property tax revenue to each fund. This information can be reviewed and modifications made prior to the adoption meeting on October 11.

President Miller asked for public comment and there were no specific issues presented. He then closed the public hearing.

## **Attorney**

Attorney Eric Burns commented that he had participated in many budget hearings and this presentation was the clearest explanation he had ever heard.

Erosion in the alley at 409 Jewett Street was repaired by Ron Holladay, however the next time it will have to be fixed by the owner if they have not redirected the storm water run-off contributing to the erosion. The town would send an invoice for services to repair the damage.

**Easement** - The situation regarding access through private property to the Woods Edge sewer easement was discussed. There are basically three options: 1) do nothing; 2) obtain an alternative route; 3) obtain a process to compensate the land owner. This could be in the form of "pay as you go" or create an easement. Ron commented that access was necessary about 7 or 8 times in the previous 18 years. The discussion shifted to the option of paying per incident. Jim Miller stated that in a conversation with the landowner, a fee of \$250 per incident was acceptable. Eric will write a contract with those parameters and provide it to the Council for approval.

Jim Miller asked for a general description of how an easement works. Eric stated the utility unit would purchase the option of access for a determined amount or seek eminent domain to obtain access. In this case it would be basically to install a pipe below ground. The owner would be compensated some agreed amount, typically much less than the appraised value of the land. The only restriction to the owner is a building can't be built on the land. A fence, shrubs and trees could be placed in the easement.

The discussion then included questions from Joe Kline concerning a property easement that would save the town dollars in a current project on Main Street. Eric will create an easement agreement with Joe for a storm water pipe on his property.

**Electronic Signature** - Georgia Jones requested a resolution for the Council to approve use of an electronic signature process when needed. The resolution needs to be effective as of July 1, 2021. Georgia will provide information from the State Board of Accounts and Eric will prepare a policy document for the October meeting.

**Storm Water Exemption** - A taxpayer submitted a Storm Water Utility appeal to the sewage board, with a request for exemption from the storm water utility fee. The grounds identified were that due to the elevation of the property there would be no runoff into the system.

After further explanation and evidence provided by meeting participants, the consensus was that all properties have the obligation for storm water fees. Those funds help the town improve drainage and correct procedures for runoff in addition to compliance with mandated clean water programs. Mary Jo Totten **moved** to deny the storm water appeal. Second by Matt Coppock. Motion carried with unanimous roll call vote.

#### **Butler, Fairman & Seufert**

**Hawks Nest Lift Station** - During the past month progress included sharing the plans with a contractor, walking the site, identifying drill sites and obtaining entry permission for target properties. This process has been difficult due to lack of contact information. Edward Stanisz participated in discussion and offered to help in any way possible. Further communication will be initiated by BF&S.

**Main Lift Station** - Engineer submittal was received and the review for criteria based on inputs identified is in progress. The next step is returning the review to the manufacturer. That would start the production of the pumps. Simultaneously, BF&S will be meeting with Ron and developing a schedule for necessary events to be ready when the pumps arrive. This process needs to be managed in a timely manner and requires delivery as projected.

**Wastewater Extension** – Discussion of possible development of the Northgate area. Now that some developers are interested, more discussion about specifics is necessary to amend the current master plan. There is a possibility that one major lift station could be developed to eliminate some of the current smaller stations. Costs for a Regional Lift Station should be developed if that option becomes necessary. The possibility of 400 new homes, an expansion of Woods Edge and the possibility to use a part of the Tipmont REMC lot could be used to create the Regional Lift Station. Discussion included the relationship of cost paid by the developers.

**CCMG** – Discussion with Pavement Solutions has been completed and the crack sealing resurfacing material usually installed in the summer will start in October due to delays. Because of fall weather the

pavement will not be smooth. There should not be issues with the surface in the long run and it will not create a problem with snow removal.

**Tomahawk Lane Master Agreement** - Dave Buck would like to have clear authorization to proceed with advance planning and engineering. If approved by INDOT, the project could be ready to bid late this year or early in 2022 to complete all work in one construction season. Discussion included the possibility the water utility might accomplish any improvements to water system while the road is torn up.

Mary Jo Totten **moved** to approve the BF&S contract for services on the Tomahawk Lane Reconstruction Project at a cost \$133,200.00. Second by Greg Jones. Motion passed with unanimous roll call vote.

**Starbucks** – Plans have been submitted to BF&S, are in review now, and a written report will be provided to the Council. At that time the Council will consider and act on approval. Minor issues were discussed with adjustments to be provided in the written review. Upon approval by the Council, building permits can be obtained. Discussion of the private street proposed by the plan were discussed. The storm water review included a representation of underground storage to hold excess water. Current plans are in the town hall for review.

**Sidewalks** – There was an advertised request for quotes to install four ADA curb ramps this year. One response was received from Dixon Construction The project included Tipton / College West side for \$20,370 and Tipton / College east side for \$ 20,960, and combined project total of \$ 41,330. The quote was taken under advisement.

Meeting RECESS – At 8:00 p.m. the chair advised that due to the late hour, the meeting would recess and the second half of the meeting will commence on Tuesday September 28, at 6:00 p.m.

On September 28, James Miller called the second half of the meeting to order at 6:00 p.m.  
Attending: James Miller, Steve Hahn, Greg Jones, Matt Coppock, Ron Holladay, Jerry Burk and Georgia Jones. Mary Jo Totten was absent. Guests were Dave Buck and Colin Sullivan.

The October meeting date is a federal holiday and Miller suggested the council consider changing the meeting date.

**Utility Easement on Main Street** – The easement for storm water outlet to cross the parcel owned by Joe Kline will be modified and reviewed again. No action was taken at this time.

**Starbucks Road Assignment** – The project developer, Veritas Real Estate, expressed concern that the total cost of construction now exceeds their estimates. They have made changes including reducing the capacity of planned storm water retention to serve just the Starbucks tenant, with no additional capacity. They asked for financial assistance to build the road to town standards for a public street. Estimate of cost is \$160 – 170,000 for pavement and curbs. There was discussion of potential TIF funding or asking the developer to repay over time. The concern is whether the town would set a precedent for future development.

A committee comprised of Ron Holladay, Mary Jo Totten, Greg Jones and clerk-treasurer Georgia Jones will talk with Dave Buck to consider the relationship of the developer, construction company and Starbucks and recommend whether to participate in street construction or suggest another alternative to promote development. There was general discussion of roads and commercial development concerns.

## **Minutes**

Greg Jones moved to approve the minutes of August 9 and August 23. Second of Matt Coppock, motion carried with unanimous roll call vote, 4 Aye, one absent.

## **Clerk Treasurer**

Greg Jones moved to approve the Register of Claims August 10 to September 13 in the amount \$131,924.31. Second of Matt Coppock, motion carried with unanimous roll call vote, 4 Aye, one absent.

## **Town Marshal**

Jerry Burk said the speed sign at the top of 600 hill is working but the message line needs to be reset.

Benjamin Moyars graduated from Indiana Law Enforcement Academy with top academic honors for the 2021 graduating class. Burk will present a plaque honoring BJ's achievement.

## **Utilities and Street Department**

Ron Holladay says the expense for Main Lift Station replacement is still within budget. The "kill date" for project completion is December 20. If the lift pump is not delivered by this time, the project will not complete this year.

The backhoe needs a rear tire, approximately \$385.00 installed.

Hawks Nest lift station has a pump not functioning properly, the replacement component lasted a day and a half. Fred Flook was called in to help diagnose but they cant pinpoint the problem.

The leaf vac will be ready to start pickup routes in October.

Jim Miller asked about the deterioration on North Railroad Street, what can be done to help the road last through the winter. Cold mix followed by Total Patch appears to be the best solution.

**Area Plan** – Greg Jones reported there are no new ordinances at this time.

## **Committees**

**Transportation** – still expecting crack seal to be completed.

**Sidewalks and Trails** – There is still interest in a citizen involvement group. The timeline for action is still "down the road" but a good idea to get the planning going now. The Big Four Trail, a rail trail for biking, goes through the Battle Ground area and town needs to be involved early to best utilize this feature locally with connections that would also be useful for walking. Access to the restaurants on SR 43 is a consideration, and planning now for crosswalks and sidewalks in the commercial development is important.

The single bid for four ADA ramps/crosswalks was higher than anticipated. The committee recommends waiting until next year to resubmit a request for proposals. Greg Jones moved to reject the bid from

Dixon Construction and table the ADA crosswalks project on Tipton and College until 2022. Second of Matt Coppock, motion carried with unanimous roll call vote, 4 Aye one absent. The ADA plan should be updated in December to reflect the decision to delay the construction.

**Communication** – The October bills will have a page of town information to include leaf pickup, compost area, recycling, pets and other seasonal information. Utility bills will be used for quick notes however the newsletter still needs to announce major projects such as Tomahawk Lane.

There is a desire to have citizen input for construction planning meetings to gain perspective and enlist support from the residents who will be affected.

### **Old Business**

**Town Hall** - A location for town hall is still in the research phase, keeping in mind a location that offers a multipurpose meeting space.

**ARPA fund** – The distribution of federal money received in September is \$222,000, the first installment of total award. Georgia Jones suggested using the funds for infrastructure projects, water or sewer, in areas of town with greatest need. The town must create a written plan for expenditure for projects allowed by statute, or be used as local match for grant awards for allowed projects. The money must be used by December 31, 2026. There is a thought to create a focus group to involve the community in approving one or more projects. Jim Miller appointed Mary Jo Totten to be involved with focus group activity.

### **New Business**

**Electronic Signature Policy** – a draft was prepared by Eric Burns for council to consider. Implementing an approved policy would allow some documents to be expedited between regular meetings. Council members need to sign several recent documents at town hall any time in the next week.

**Ordinance Codification** – Government has a responsibility, specified in statute, to provide public access ordinances in a searchable format. Currently we have ordinances on the town web site. It is also desired to have a searchable digital database of the ordinances and resolutions. This is a priority for 2022 and Georgia Jones will provide cost estimates to have the work accomplished.

**The draft salary ordinance for 2022** was distributed to the council. Georgia Jones encourages the council to be aware of current competitive salary levels and plan for future manpower/personnel needs. A special meeting will be arranged to talk about labor and salary ordinance topics.

**Development Guide** – Jim Miller recommends adding a tree ordinance, landscape and sidewalks to the development guide. These elements contribute to quality of life and safety, however are not currently represented to developers as a need or requirement. Trees approved for specific areas of cityscape could be specified instead of allowing random selection of species. Miller would like to see the guide updated before the end of the year. Greg Jones also wants to have the sidewalks mentioned in the ordinance. Matt Coppock commented on the amount of sidewalk traffic on Main Street to the school.

Classes are using that route to the Battlefield Park. This underscores the need to set a priority route for sidewalk improvements that can be shared with the community.

**Contractor Inspections** - Third party inspections should be planned whenever a project has involvement with a company associated with a town elected official. A specific example is the Main Street project, where the contractor is a company owned by a town council member. A third party would allow an arm's length discussion of quality or contract issues to protect the employees and the council.

**Grant writing policy** – Jim Miller is aware of grants through OCRA. It has been suggested to have a person dedicated to working on potential sources of revenue through grants. Deputy BJ Moyars is still interested but there is indecision how the town can afford or pay for this type of work. Greg Jones has knowledge of county resources that would be available to Battle Ground.

**Council meeting concerns** - The next scheduled meeting is a holiday, by general agreement the council decided to delay the meeting until the next day October 12. The budget adoption will be re-advertised for a second meeting in October. Miller would like to have educational sessions prior to formal meetings to facilitate decisions at the monthly meetings. These meetings can be departmental or public via zoom if necessary. For October 12 the work session with BFS will be October 6 or 7.

Meeting minutes are to record the decisions that are made, not every word that was said. A work session can be used to explore options, compare and contrast methods. Meetings are used for council to approach a topic with a motion for action, share reasons in support of or against, and vote. Supporting documents designed to educate the council are public, and can also be archived, but the decision time during the meeting can be very focused.

Jim Miller summarized that transparency is vital, and discussion should be documented. Time constraints of the monthly meeting need to be considered.

Greg Jones **moved** to adjourn 8:09 p.m. with second of Steve Hahn.

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Georgia Jones, Clerk Treasurer

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James Miller, Council President