



OTTERBEIN

TOWN BETWEEN TWO COUNTIES
A place for family

September 30, 2017

Vol. 22.09

104 E 2nd St, PO Box 215

765.583.4944

www.otterbein.in.gov

Important Phone Numbers

Police	911 or 884-0080
Water Emergencies	476-3055
Billing Questions	583-4944
Clerk's Office	583-0089
Republic/Allied Waste	477-9138
Streets and Water	583-3430

Councilmen

Kevin Burk	404-1481
Dirk Studebaker	574-551-2903
Doyle Allison	583-9481
Amy Brown	376-0366
Rick Hadley	418-5742

Calendar October 2017

2 nd	Limb Pickup begins
3 rd	Town Council Meeting 6:00 PM
9 th	Town Hall Closed—Columbus Day!
11 th	Trash & Recycle
17 th	Town Council Meeting 6:00 PM
25 th	Trash & Recycle
31 st	Halloween Trick or Treat

Yard of the Month goes toooooo...

“Billy Spikes”

Presented by the Otterbein
Rotary Club



Last limb pickup of the season begins on Monday, October 2nd

Reminder: Sticks and garden waste needs to be disposed of in your trash can!



Halloween Coloring Contest is Back



We are holding a coloring contest for the Town of Otterbein children and ADULTS. The coloring sheet is found in this month's water bill. Additional sheets can be picked up at Town Hall or downloaded from our website. Otterbein.in.gov and go to the Communications tab. Children includes ages 3-17 and will be grouped into age categories. Adult includes ages 18 & above. Entries due by Thursday October 26th and Winners will be notified Friday October 27th. One entry per person.



HAPPY HALLOWEEN!

Trick or Treat

Tuesday, October 31st, 2017 6:00-8:00pm

If your house is participating please put on your porch light.

Library news...Mother Goose on the Loose is Tuesday's @

10:30am & Wednesday @ 4pm. Nursery rhyme program for ages 0-3 (older siblings are welcome), with a craft/activity. **Teen Tuesday's** after school, for ages 12 & up. We'll play games and do STEAM stuff.

Thursday, October 26: Pinterest Night! **Friday, October 27:** Halloween movie in the park: **Nightmare Before Christmas**



STAND*DOWN

The Military Family Research Institute at Purdue University has organized a **Stand Down** to serve the needs of the Greater Lafayette area's homeless and low income veterans. A **Stand Down** is a community event in which volunteers serve meals, distribute clothing, work at information tables, and provide companionship to homeless veterans. In support of this **Stand Down**, the Daughters of the American Revolution (DAR) General de Lafayette Chapter are collecting new only socks & underwear. A donation box for these items will be located at Town Hall and the Otterbein Public Library.

Note: As of September 6, 2017, the fluoride levels are back to normal. It tested **GOOD**, thanks for your patience!

TOWN COUNCIL MEETING—TUESDAY, SEPTEMBER 5, 2017 AT 6:00 PM

Council President Kevin Burk called the meeting to order at 6:03 PM with members Richard (Rick) Hadley, Dirk Studebaker and Doyle Allison present. Member Amy Brown was absent.

The Council conducted the Hearing on Utility Disconnections. No one was present to discuss their case. Dirk Studebaker made the motion to approve those on the disconnection list for disconnection. Rick Hadley seconded the motion and all were in favor.

Keven Burk read the summary of claims presented for a total of \$110,025.88. Rick Hadley made the motion to approve the claims for payment. Dirk Studebaker seconded the motion and all were in favor.

Ordinance 2017-0905 was read on second reading. This is an Ordinance amending Ordinance 2015-0713 of the Town of Otterbein, Indiana concerning the construction of additions and improvements to the sewage works of the Town of Otterbein, Indiana, the issuance of revenue bonds in one or more series to provide the cost thereof, the collections, segregations and distribution of the revenues of said works, the safeguarding of the interests of the owners of said revenue bonds, other matters connected therewith, including the issuance of notes in anticipation of bonds, and repealing ordinances inconsistent herewith. Kevin Burk made the motion to adopt Ordinance 2017-0905. Rick Hadley seconded the motion and all were in favor.

Ordinance 2017-0815 was read on second reading. This is an Ordinance to amend Ordinance 2016-0607B and Title V, Chapter 51, Section 51.140 (c) of the Code of Ordinances of the Town of Otterbein to add omitted information relating to wastewater rates and charges. Kevin Burk made the motion to adopt Ordinance 2017-0815. Dirk Studebaker seconded the motion and all were in favor.

Ordinance 2017-0919 was read on first reading. This is an ordinance to amend ordinance 2016-0607A and Title V, Chapter 53, Section 53.01 (A) and (B) of the Code of Ordinances of the Town of Otterbein to add omitted information relating to water rates and charges. It will be presented again at the September 19, 2017 meeting.

Jud updated the Council on the Windfarm tax abatement issue. Benton County Auditor's office has contacted BP Windfarms and they will be in touch with the town to resolve the issue. Jud announced that the state cleanup process of the property located and US 52 and Main Street (Old Good Earth Market) started today.

Larry Wilcrouth with Rowe Truck was present. He has spoken with the contractor who will be installing the fence around the property at the corner of Church and Oxford Streets (The old Lutheran Church). They should be digging the post holes on Thursday. He also plans on putting stone along the berm on Oxford Street. He also apologized for calling George by the wrong name a few meetings ago. He did not mean anything by it and respects George and the position. He then requested the town for an easement 30 foot by 35 foot to travel down the sewer plant drive and then across the property to the back of their new building for unloading purposes. The Town Council took that under advisement.

It was brought up that some residents have complained about overspray of paint in the area in the alley between Main Street and Johnson Street. Attorney Jud Barce stated this is not a town issue and the residents need to contact their insurance.

Jud informed the Council that Keller Development along with Area IV had applied for property tax abatement in 2015 and then the project didn't get funded. They are again seeking grant funds through the state and would like to amend or redo the tax abatement. Council instructed Jud to advise them to redo the tax abatement. Jud then asked Council if they would entertain a resolution to waive non-compliance for the Kyburz tax abatement. Jud is to prepare the documents for the next meeting.

Jud informed the Council that he is trying to set up a meeting with a couple representatives from each Benton County, Tippecanoe County and the Town sometime after September 19th. Jud is to recommend September 21 or 28 at 7:00 PM.

Lastly, Jud brought up the drainage issue on South Main Street. He was investigating to see if it would be a county issue or a town issue. It is a town issue to try to solve. The Council agreed for him to send a letter to those involved to come to the next meeting to discuss the issue.

BF&S Engineer Dave Buck discussed punch list items for the street lighting project. He is aware of the outlet issue we had during the street festival, the two light poles that were to have longer arms. He asked if there was anything else. Ron Shoup brought up that before the project, the curb on West Oxford in front of the old Lutheran church property was yellow. It didn't get marked back to yellow and the buses are having an issue turning out of the school lane on Oxford going east if cars are parked there. He will look into this. Change orders 1 and 2 that the Council had previously approved had some wrong calculations. The end result was correct. He is asking they reapprove Change Orders 1 and 2 to correct these calculation errors. Rick Hadley made the motion to approve the amended change orders 1 and 2. Dirk Studebaker seconded the motion and all were in favor. He presented Change order #3 which was actually a savings to the town. Kevin Burk made the motion to approve change order 3. Dirk Studebaker seconded the motion and all were in favor. Lastly regarding the Street Lighting Project, he presented Pay estimate 3. This was to pay them everything owing except retainage. Rick Hadley made the motion to approve Pay estimate 3 for payment. Doyle Allison seconded the motion and all were in favor.

Dave then updated the Council on the WWTP Project. Dave, Colin, Lorean and representatives from Graves Plumbing met and worked through some cost savings options. They have found some and are still waiting on some costs on others.

Town Marshal George Frantz asked about the Right of Way on Meadow Street and our ordinance covers public streets. Should we change it to encompass right of ways. The Council agreed to leave our ordinance as it is and leave this ongoing, issue this is relating too, as a private drive matter between property owners.

Town Administrator Ron Shoup is still waiting on a few more quotes on the roof at the community center. However, he feels the town guys can stop the leak with some tar for the time being. The Council agreed for them to try. He is also to get quotes for the wall/grading issue at the community center.

Utilities Operator Lorean Johnston presented 3 quotes for annual lab testing; Criterion Labs LLC for \$865; Environmental Laboratories Inc. for \$705; and ESG Laboratories for \$757. Rick Hadley made the motion to use Environmental Labs Inc. Doyle Allison seconded the motion and all were in favor. He presented 2 quotes for the Cleaning of the Wet well at the WWTP. He requested a third but the company declined to quote. Quotes were from Accu-Dig for \$950 and Snow White for \$650 flat fee for equipment and then an hourly rate of \$275 per hour for a three person crew. Doyle Allison made the motion to approve Accu-Dig to clean the wet well. Dirk Studebaker seconded the motion and all were in favor. He announced that Chad Jacoba started back to work for the Town, today.

Clerk-Treasurer Treeva Sarles with the help of Engineer Dave Buck discussed again the INDOT Funding options for the Church Street sidewalk project. Rick Hadley made the motion to go state funding over federal funding. Dirk Studebaker seconded the motion and all were in favor. She then requested the town sponsor a Halloween Coloring Contest. It was a huge success last year. Kevin Burk made the motion to spend up to \$100 out of the promotional budget to support this community event. Dirk Studebaker seconded the motion and all were in favor.

With nothing else to come before the Council, Dirk Studebaker made the motion to adjourn at 8:10 PM. Rick Hadley seconded the motion and all were in favor.

EXECUTIVE SESSION OF THE TOWN COUNCIL—THURSDAY, SEPTEMBER 7, 2017 AT 6:00 PM

Council President Kevin Burk called the meeting to order at 6:04 PM with all members present. The reason for the executive session is to discuss a job performance evaluation of individual employees except in the context of the budget process.

Rick Hadley made the motion to adjourn at 7:04 PM. Doyle Allison seconded the motion and all were in favor.

EXECUTIVE SESSION OF THE TOWN COUNCIL—TUESDAY, SEPTEMBER 19, 2017 AT 5:00 PM

Council Vice-President Richard Hadley (Rick) called the meeting to order at 5:04 PM with members Kevin Burk, Dirk Studebaker and Doyle Allison present. Member Amy Brown was absent.

Rick Hadley noted he is running the meeting as Kevin Burk resigned as President on 9/13/17.

The reason for the executive session is to discuss a job performance evaluation of individual employees except in the context of the budget process.

Kevin Burk made the motion to adjourn at 5:45 PM. Doyle Allison seconded the motion and all were in favor.

TOWN COUNCIL MEETING—TUESDAY, SEPTEMBER 19, 2017 AT 6:00 PM

Council Vice-President Richard (Rick) Hadley called the meeting to order at 5:04 PM with members Kevin Burk, Dirk Studebaker and Doyle Allison present. Member Amy Brown was absent.

Rick Hadley noted he is running the meeting as Kevin Burk resigned as President on 9/13/17.

For the selection of a new Council President Kevin Burk made the motion that Richard (Rick) Hadley be the new Council President for the remainder of 2017. Dirk Studebaker seconded the motion and all were in favor. Rick Hadley made the motion that Kevin Burk be Vice-President for the remainder of the year. Doyle Allison seconded the motion and all were in favor.

Council conducted the Hearing on the 2018 Budget. Clerk-Treasurer Treeva Sarles informed those present of the 2018 proposed budget. There were no questions. She noted that 10 or more residents can file an objection petition with the town within 7 days of this hearing. The petition must identify the provisions of the budget, tax rate, or tax levy to which the taxpayers object. The Council will adopt the 2018 Budget at the October 3, 2017 at 6:00 PM.

Residents from 413 Darby were present to discuss a weed/grass violation letter their landlord received on that property. They claim they are unable to mow the area in question do to it stands in water most of the year, due to poor drainage issue. George will investigate but stated it was dry when he and Ron were back there.

Kevin Burk made the motion to approve the August 2017 Minutes as presented. Doyle Allison seconded the motion and all were in favor.

Rick Hadley read the summary of claims presented for a total of \$233,216.29. Kevin Burk inquired about the \$100,000 expenditure in the donation fund. Treeva Sarles explained that was purchasing a Certificate of Deposit at the Bank. With no other questions, Dirk Studebaker made the motion to approve the claims as presented. Doyle Allison seconded the motion and all were in favor.

Ordinance 2017-0919 was read on second reading. This is an ordinance to amend ordinance 2016-0607A and Title V, Chapter 53, Section 53.01 (A) and (B) of the Code of Ordinances of the Town of Otterbein to add omitted information relating to water rates and charges. Kevin Burk made the motion to adopt Ordinance 2017-0919. Rick Hadley seconded the motion and all were in favor.

Town Attorney Jud Barce updated the council on the Windfarm tax abatement issue. He had sent them a spreadsheet completed by the County Auditor's office showing the impact. He is to talk with the Windfarm representative on September 20, 2017. He will keep the Council informed.

Jud explained the process regarding the tax abatement for the Otterbein Commons Housing Development. Greg Majewski with Keller Development was present and spoke with Council regarding the project. It is the same project as was presented in 2015. Jud presented Resolution 2017-0919C a Declaratory Resolution Designating Certain Real Estate within the Town of Otterbein as an Economic Revitalization Area (ERA) and set that area as an ERA through December 31, 2020. Kevin Burk made the motion to adopt Resolution 2017-0919C. Rick Hadley seconded

the motion and all were in favor. There will be a hearing regarding the tax abatement on October 17, 2017.

Jud explained that the issue with the Kyburz tax abatement was an issue where Benton County issued the building permit because the business sits within the town limits of Otterbein, but on the Tippecanoe County side of Otterbein. Benton County doesn't inform Tippecanoe County of building permits. The building permits is what triggers the assessor's office to come assess the property which then sends paperwork to the property owner which starts the process of claiming the tax abatement. So Kyburz was waiting on Tippecanoe County to send the paperwork. So he needs the Council to approve the publication hearing notice, so that the hearing is set for October 17, 2017 in which the Council will consider the waiving the non-compliance. Dirk Studebaker made the motion to approve the notice for publication. Doyle Allison seconded the motion and all were in favor.

Jud had sent samples of Ordinances to the Council regarding grass clippings and also noise. In regards to the Noise Ordinance, the Council agreed to leave ours as is and not make any modifications. The Council discussed things from the County grass clipping ordinance and Boswell's ordinance, they talked about things they would like to add or omit from one in creating one for us. Jud will put together a Grass Clipping Ordinance for the Town of Otterbein for the Council to consider at the October 3, 2017 meeting. He presented Resolution 2017-0919D A Resolution to Reimburse for Costs Associated with Sidewalk Replacement. Kevin Burk made the motion to adopt Resolution 2017-0919D. Doyle Allison seconded the motion and all were in favor.

Amanda and Treavor Whaley along with their Contractor Tom Davis were present to discuss the claim of a neighbor that in improving the Whaley's property they pushed water upon their neighbor. Contractor Tom Davis presented figures from laser grade stating that the water cannot run to the South. The property south of Whaley's is 14 inches higher. He shot grade around the area. From 6th to 7th street grade runs south; and then from the edge of Town to 7th street it runs north. So both sides of 7th Streets runs to 7th street. The Town will investigate further, and thanked those present for attending.

BF&S Engineer Dave Buck updated the Council on the outlet issue on the new poles. They can install more circuits for the larger items such as the blowups and food vendor trailers at the festival, as the outlets on the poles were not designed for that much. He will work with Ron to come up with a solution. He then requested the Town release retainage held on the Milestone 2016 Paving Contract A of \$7,375. Kevin Burk made the motion to approve the release of retainage and make payment to Milestone. Rick Hadley seconded the motion and all were in favor. He requested retainage be released for the Reith-Riley 2016 Pavement Project B of \$37,270. Dirk Studebaker made the motion to approve the release of retainage and make payment to Reith-Riley. Doyle Allison seconded the motion and all were in favor. Kevin did request he speak to the contractor about the disappointment in the stripping. Dave announced the CCMG Grant award announcement will be tomorrow, so we will know if the Town was successful in their grant request. He informed the Council he is looking into the issue of grease limits and that there are 2 types of materials. He feels we should have 2 limits, a limit for each type of grease. Our current Ordinance only has one limit. He and Colin are still researching but will make a recommendation soon.

Town Marshal discussed an abatement issue at 305 S Church Street. Notice was given and time has passed. The Council agreed that town employees are to clean up the property.

Town Administrator Ron Shoup is still waiting on 2 quotes for the roof at the Community Center, however they did tar the roof where it was loose and it is not leaking now. He discussed he has been looking into how to seal the wall that is leaking. He said he thinks the employees could try to fix it. The Council informed him to get quotes for the repair of the wall. He spoke about Tim Clark coming to talk with the Council about the building assessment. They want to know what he does and what his fees would be. Ron will get information and report back. Salt has been delivered in preparation of winter and the brine operation is also in the works. He informed Council he ordered new swing seats for the swing set at the park. They Council would like a park equipment list of condition and items to be replaced at cost. In the meantime, he needs to fix the plane before someone gets hurt.

Utilities Operator Lorean Johnston informed Council that he had visited most every meter pit in town and rated the pits condition from A-F. He has sent them a list of about 50 that scored a D or F. They have parts to fix 5 pits so he is going to try to repair one a week over the next 5 weeks and see how it goes. He then spoke with an issue he is having with Accu-Dig who came to clean the Wet Well but didn't clean it all the way, he is currently arguing with them over the cost, since they didn't complete what he requested them do. Council said to keep them informed and if he needs their assistance let them know.

Clerk-Treasurer Treeva Sarles presented Resolution 2017-0919A – A Resolution to transfer between budget lines. Kevin Burk made the motion to adopt Resolution 2017-0919A. Doyle Allison seconded the motion and all were in favor. She presented Resolution 2017-0919B A Resolution for the Town to participate in Hoosier Start a Retirement Plan enhancement to what we already have. This will be no cost to the Town but allows employees, elected officials and even Independent Contractors for the town to participate in a retirement plan designed individually. Kevin Burk made the motion to adopt Resolution 2017-0919B. Doyle Allison seconded the motion and all were in favor. She talked with Council about Christmas decorations downtown. The banners are already ordered. Do they want garland and lights on the poles or something strung across Main Street? Kevin asked if something could be strung across at the 4 way stop. Ron Shoup stated there is not room above the flashing light. He suggested running something between a couple buildings downtown. The Council asked to get pricing on wrapping the poles with garland and lights. Ron and Treeva will look into options.

Council discussed changing the meeting days from Tuesday to Wednesday. Kevin would like to move the meetings to Wednesday, Rick Hadley, Dirk Studebaker and Doyle Allison all wanted to keep the meeting day on Tuesday. Therefore, the meetings will stay the first and third Tuesday of each month at 6:00 PM.

With nothing else to come before the Council, Dirk Studebaker made the motion to adjourn at 8:15 PM. Doyle Allison seconded the motion and all were in favor.