

ANDREWS TOWN COUNCIL  
MINUTES OF PUBLIC MEETING HELD JULY 14, 2014

A public meeting of the Town Council of the Town of Andrews, Indiana convened on Monday July 14, 2014 at 6:00 p.m. in the Andrews Municipal Building in accordance with applicable law and pursuant to appropriate notice.

**ROLL CALL:**

Council Members Raymond Tackett, Michael Rohler and John Harshbarger were present. Clerk-Treasurer William Johnson declared a quorum was present and that the meeting would continue.

**APPROVAL OF PRIOR MINUTES:**

Council approved the minutes of the regular meeting on June 23, 2014. The approved minutes were signed.

**GENERAL BUSINESS:**

Cathy Johnson updated the Council on the status of the preparation for the annual summer festival. Clerk-Treasurer Bill Johnson explained the difficulties of providing insurance for the fireworks with which the festival would like to end the event. The premium appears to be extremely expensive to the point where the fireworks portion of the event may have to be cancelled.

Council President Rohler questioned why Mettler Insurance did not appear before Council to present the premium notice for this year's liability and workman's compensation policy. Clerk-Treasurer Johnson explained that the Town is in the second year of a three year contractual agreement for Mettler to provide insurance to the Town. Therefore, the need to present the premiums did not seem necessary nor had it been done in the past. However, if Council wants the agent to appear at a Council meeting, Johnson will let them know.

Council Member Tackett expressed his concern over the water contamination issue facing the Town. Tackett was informed by the other members that the issue would be addressed as part of the planning grant that the Town is seeking.

Clerk-Treasurer Johnson expressed his appreciation for the Volunteer Fire Department's Community Day event which taught children the use of fire extinguishers and let them crawl around the equipment. Johnson hopes that the effort will become an annual event.

**OLD BUSINESS:**

Council President Rohler informed Council of a letter sent from the Department of Natural Resources (DNR) informing George Bitzer that the remedial efforts on the creek were not satisfactory. Council Member Tackett suggested that the Council draft a letter to DNR expressing the Town's desire to let the creek remain in its current state.

Council opened three quotes for the site prep work needed at the new Town garage. Three firms submitted the following quotes for the work:

Star Excavating	\$28,000
Zahm Excavating	\$24,074.50
Dirt Excavating	\$27,756

Council Member Ray Tackett asked to table the award until the Town had made a final decision on the building. Steve Brock of Therber, Brock and Associates reminded Council that they had in fact already awarded the construction contract and that his firm has already started to prepare bond documents for funding the project. Brock explained the protocol in obtaining financing and the procedure by which the Town will fund the project. Brock presented Council with work papers detailing the cost of the project and the funding sources. Clerk-Treasurer Johnson explained how the Town will provide the \$100,000 for its portion of the cost.

Council awarded the contract to Zahm Excavating on a unanimous voice vote. Council suggested that a resolution be prepared breaking down the funding from the Town.

Council reviewed the Miller's Pub situation with a decision that the Town will accept Mr. Miller's offer of three parcels in exchange for his release from liability for the demolition costs.

Council President Rohler inquired about the projected water fountain at the Park. Utility Superintendent Bullock stated that he wanted to install security cameras prior to putting the fountains in to help control vandalism.

Council approved the agreement with Strand, Inc. on the planning grant on a voice vote. The agreement was signed.

**NEW BUSINESS:**

Council approved the proposed agreement with the Alliance of Indiana Rural Water for the services of completion of Phase II Wellhead Protection Plan. The cost of the project is \$3,500. The agreement was signed.

Council President Rohler introduced Ordinance 2014-6, an Ordinance Enacting and Adopting a Supplement to the Code of Ordinances for the Town of Andrews, Indiana. Council Member Tackett made a motion to adopt the Ordinance, seconded by Council Member Harshbarger. The motion passed by a unanimous voice vote. Council voted unanimously to conduct a second reading of an ordinance at the same meeting at which it is introduced. Ordinance 2014-6 was adopted by a unanimous voice vote on second and final reading. Ordinance 2014-6 was signed.

Council President Rohler introduced a resolution to enter a motion to reassign Curt VanOver to Deputy Marshal and reinstate Deputy Marshal Van Juillerat as Town Marshal. A roll call vote was taken with Council President Rohler and Council Member Tackett voting in the affirmative, and Council Member Harshbarger voting against the motion. No further discussion on the topic was had.

### **DEPARTMENT REPORTS:**

Deputy Marshal VanOver presented Council with a June police report.

Fire Chief Tom Wuensch had informed Council President of the need for three sets of new turnout gear.

Clerk-Treasurer Johnson stated that his office has been busy collecting W-9's from vendors to comply with IRS guidelines. He also informed Council that he will be meeting with the Department of Local Government Finance on Monday July 21, 2014 to present the Town's 2015 budget for advertising. Johnson also forwarded a request from the Town's legal counsel seeking clarification on the status of the old water tower property. Colin Bullock stated that everything but a valve body was removed. Bullock stated that that valve had to remain.

Utility Superintendent Bullock updated Council on the efforts of his department to replace catch basins. Bullock also spoke of the problems at the wastewater plant with antiquated equipment.

### **CLAIMS:**

All claims were approved as presented by a unanimous voice vote after brief discussion.

### **OTHER BUSINESS:**

Cathy Johnson, 215 South Main Street, asked if the open door law had been violated in the formation of the resolution to reassign police department personnel. She was informed that no laws were broken during the process.

Council Member Tackett explained that the Council is responsible for all aspects of local government. He stated that the Council should have vetted the new volunteer fireman although the final decision should be the chief's. Tackett stated that he could talk to Council Members on the telephone concerning Town business. Tackett explained his personal reasons for supporting the reassignment of the police personnel. Residents questioned what had changed with the former Marshal that would make him acceptable to the Council now. Tackett stated that Mr. Juillerat understands the issues that led to the original decision.

Curt VanOver questioned Council about its decision and the Town's reserve officer program. Council President Rohler stated that it was against public safety policy to remove the reserve program. Rohler suggested that a resolution be considered that would insure that the reserve program stays as is.

Council set a special meeting for July 21, 2014 to address the pay situation with the change at the Marshal position.

Without any other business, Council adjourned the meeting at 8:05 p.m.

APPROVED BY \_\_\_\_\_ as  
MICHAEL ROHLER            COUNCIL PRESIDENT

APPROVED BY \_\_\_\_\_ as  
JOHN HARSHBARGER        COUNCIL MEMBER

APPROVED BY \_\_\_\_\_ as  
RAYMOND TACKETT         COUNCIL MEMBER

ATTEST BY \_\_\_\_\_ as  
WILLIAM K. JOHNSON       CLERK-TREASURER