

**ANDREWS TOWN COUNCIL MINUTES  
OF A PUBLIC MEETING HELD JUNE 14, 2021**

A public meeting of the Town Council of the Town of Andrews, Indiana convened on June 14, 2021, at 6:00 p.m. at the Andrews Town Hall in accordance with applicable law and pursuant to appropriate notice.

**ROLL CALL**

Council Members John Harshbarger, Laura Dillon, and Roger Newsome, Jr. were in attendance. Clerk-Treasurer Laury Powell declared a quorum was present and the meeting would continue.

**APPROVAL OF COUNCIL MINUTES**

Laura Dillon made a motion to approve council minutes for a regular session held May 24, 2021. Roger Newsome, Jr. seconded the motion, and it passed unanimously.

**CITATION FOR VIOLATION NO. 2021-06**

Citation 2021-06 was issued by the Andrews Town Marshal due to a dog bite incident at the Daniel Goings residence on May 24, 2021. The dog was impounded by the Huntington County Humane Society. It was determined the dog, Bear, was not current on its rabies vax and, after observation, Bear was labeled as vicious. The HCHS informed the owners that a vicious dog could not return to the Town of Andrews per town ordinance, and the procedure to have the dog humanely euthanized was underway. Since the owners objected to Bear's label as a vicious dog, three attorneys approached Council with ideas to create an agreeable resolution. David Bailey representing the HCHS; Nikos Nakos representing the family that owns the dog; and Adrian Halverstadt representing the Town of Andrews. After discussion, a commonsense solution was reached that would allow Bear to be vaccinated and then rehomed outside of town in lieu of having the dog euthanized. Council affirmed the Citation for Violation issued by the town marshal and required payment of the resulting penalty fee. In addition to the payments the family has already made to the HCHS, any future per-day charges plus the redemption fee must be paid to the HCHS before Bear is released. The HCHS also presented a "release of liability" form that will be used with Bear's eventual release. Dillon motioned to go with the proposed agreement, in summary remove dog from Andrews, require payment of \$100.00 to the Town of Andrews and all shelter fees, then vaccinate the dog before rehoming it with a release of liability. A second to the motion was made by Roger Newsome. Motion was unanimously approved, 3-0.

**OLD BUSINESS**

Eric Woodmansee, of AME Consulting, reviewed with Attorney Halverstadt the unresolved issues between the Town and DC Construction, contractor for the CCMG 2020-1 project. Woodmansee next informed Council that DC Construction planned to be in town soon to complete the punch list items which are required to close out the project. Plans are to repair a questionable manhole structure, then mill and repave McKeever in that area only. Council is adamant the entire paving job is bad. Additional problems have surfaced recently with damage to the town's wastewater lines in the area DC Construction worked last year. Halverstadt agreed with Woodmansee to complete the punch list and close out the project before moving forward with additional claims. Once projects are complete, the Performance Bond, which guarantees work for one year after closing, carries heavy leverage with a contractor since claims against a bond will make it more expensive for them to do their job over the next 5 years. The process is basically an insurance claim which gives the company a bad track record.

237 Columbia St: Attorney Halverstadt stated once DCD comes in with demo bids on June 28th and Council awards a bid, they will issue a 10-day notice letter to the owners. After the judge decided in favor of the town, there is now a 30-day appeals window which should be over by June 28<sup>th</sup>. Halverstadt has heard nothing from the property owner's attorney as of this date.



Antioch MHP Lot 16: Powell reported there has been no action or communication on this matter since the May 10<sup>th</sup> meeting. Since there is an existing order of enforcement, Halverstadt said Council could order the DCD to issue a 10-day notice and schedule a meeting for a "Civil Penalty for Willful Failure to Comply". Council asked Powell to contact Brant Ricker and Kim Hostetler to move forward with the civil penalty process.

Eric Woodmansee reported that Watson Excavating completed the storm water installation last week for the CCMG 2020-2 project. Watson will allow the area to settle for a month before returning to mill and repave roads per the work contract. He also said he will give Colin Bullock advance notice of when DC Construction will be in Andrews to begin work on the punch list items. Woodmansee will oversee their progress in making repairs.

Woodmansee then gave a brief presentation on SWIF, a State Water Infrastructure Fund grant. He wants the Town to call a special meeting as soon as possible with himself, Paul Vincent, Steve Brock and Mike Kleinpeter to discuss the program in detail. It is a single application program with a one-to-one match towards a project. Applications will be accepted twice, July 2021 and July 2022. Clerk-Treasurer Powell will set up the meeting. In addition, he relayed the Sidewalk Improvement Project plans are in INDOT's hands for review and he will wait until the end of June before making a status inquiry. Space wise, the addition of handicap ramps to the project should not be a problem. Discussion with the contractor should be had on the cost difference to upgrade from steps to ADA ramps. Business owners have offered to help pay the cost difference.

Clerk-Treasurer Powell presented the CEDIT Grant Agreement for the Sidewalk Improvement Project to council for review and signature. Dillon signed the document since the county printed her name under the signature line. She attended multiple CEDIT meetings and helped secure the matching funds for the project. Powell also said Jessica Beal, DCD, will be at the June 28<sup>th</sup> meeting with demo bids for 237 Columbia St. Also, Beal is still attempting to contact someone regarding 75 S Main St. She will update Council on June 28<sup>th</sup> with her progress.

### **NEW BUSINESS**

Dillon initiated discussion on an issue Carol Sunderman, of 257 S Main St, has with a concrete ditch along her property which borders South Main St, or SR 105. Sunderman has been in contact with Toni Mayo, with INDOT, and asked to have the concrete ditch removed because it is an eyesore and difficult to mow around. Mayo then emailed the Town about the matter. Council stated this is not a town issue because the ditch belongs to the State and is in their right-of-way. It was built years ago to prevent rainwater from washing away the roadbed. Colin Bullock will call Mayo and set up an on-site meeting with Mayo, Dillon and himself to look the area over now that the McKeever St storm water project is near completion.

### **DEPARTMENT REPORTS**

Police Department: Town Marshal Austin Bullock reiterated there is a dog-at-large problem in town and his department will enforce a zero-tolerance policy. The police schedule has been modified to bolster their presence for the upcoming weekend's Blues and BBQ Event and parade for Tayla Zartman Beal.

Fire Department: No report from the fire department.



Utility Superintendent: Colin Bullock said the request to use leftover SRF wastewater money is in the last phase of approval and hopes it is finished by the end of the month. He also said a couple of lights need replaced at the park and presented Council with an agreement to sign from Duke Energy. Bullock then presented 2 invoices for septic work done at Nancy McCoart's property, 137 E McKeever St. He explained the situation was related to a CCMG project last year and felt the Town should pay the invoices since McCoart was not at fault for the problem discovered. Council agreed with Bullock.

Clerk-Treasurer: Laury Powell said she has completed and submitted the SWIF survey. She also completed an Excess Levy Transfer, dating back to FY 2014, to the General Fund which was ordered and approved by the SBOA. Powell has scheduled a public hearing for June 28<sup>th</sup> for an additional appropriation to the Riverboat Fund in association with the CCMG 2020-2 matching funds payment. Powell then handed out a draft salary ordinance for review and stated she has begun preliminary work on the 2022 budget.

### CLAIMS

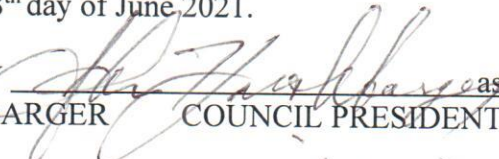
Laura Dillon made a motion to approve the claims as presented, with the addition of the two invoices from Nancy McCoart, which was seconded by Roger Newsome, Jr. Motion carried 3-0.

### OTHER BUSINESS

Laura Dillon relayed that Ed Asher asked to use the town's mobile stage and canopy for the June 26<sup>th</sup> Blues & BBQ Festival he is hosting at the Ice Cream Vault. Council was agreeable with the request.

Roger Newsome, Jr. made a motion to adjourn the meeting at 7:08 p.m., which was seconded by Laura Dillon. Motion carried 3-0.

Approved this 28<sup>th</sup> day of June, 2021.

APPROVED BY  as  
JOHN HARSHBARGER COUNCIL PRESIDENT

APPROVED BY  as  
LAURA A DILLON COUNCIL MEMBER

APPROVED BY  as  
ROGER NEWSOME, JR. COUNCIL MEMBER

ATTEST BY  as  
LAURY L POWELL CLERK-TREASURER