

# Council Meeting

March 19, 2014

7:30 P.M.

The Town Council of the Town of Markle, Indiana met in its meeting room at the Markle Fire Department Building on the 19<sup>th</sup> of March, 2014, at the hour of 7:30 p.m. in accordance with the rules of the Council and applicable laws.

Town Council Members present: Jeff Humbarger, Mark Hamilton, and Rick Bower. Clerk-Treasurer Shelley Monticue and (10) additional townspeople were in attendance.

The meeting was called to order at 7:30. The Pledge of Allegiance was recited.

First order of business were the minutes from the February 19<sup>th</sup> Meeting. President Humbarger motioned to approve the minutes as written, seconded by Vice President Hamilton. Motion carried 3-0, and Minutes were signed.

Next on the Agenda, Mark Mussman, of the Huntington Countywide Department of Community Development (DCD), submitted a proposed Subdivision Ordinance for Council to consider. In February, the Markle Plan Commission gave a favorable recommendation to the Ordinance, which creates uniformity among the addition of lots to subdivisions. Previously, minor subdivisions, or those only containing one or two lots, only required one form of consideration when an additional lot was to be added, while subdivisions of larger proportions required both primary and secondary approval by the Plan Commission. Due to the new State statute mandating uniformity, each political entity must approve a new ordinance creating uniformity among its subdivisions.

In order to consider proposed Ordinance 2014-2 at the March Meeting, President Humbarger motioned to consider Ordinance 2014-2 at the first meeting at which it is introduced, which was seconded by Councilmember Bower. Motion carried unanimously 3-0, and Ordinance 2014-2 was considered. President Humbarger motioned to approve Ordinance 2014-2, "amending the Ordinance regulating the subdivision of land within the Jurisdictional Area of the Town of Markle," seconded by Councilmember Bower. Motion carried 3-0, and Ordinance 2014-2 was signed.

Town Council correspondence only included the Redevelopment Commission's Meeting held on March 11, 2014.

Next on the Agenda, Town Supervisor Rick Asher submitted his monthly report:

- Phoenix Tank will be installing yet another Solar-B mixer within the next week. Previously, too much ice was present for work to be done. The cost is covered under the warranty.
- The Town was granted an emergency permit for the water main repair at State Road 3 and Park Drive. In January 2013, a new law went into effect requiring casing on any line larger than two inches and a surety bond covering any casing on lines six inches or larger. In addition, elevations of these large lines are required. Mr. Asher has been working with the contractor to have elevations of the center, edge, shoulder, and Right-of-Way drawn where the new line was placed to comply with State mandates. Wolf Excavating does have the required surety bond of \$50,000 for a two-lane highway. In 2015, one year benchmark elevations will be drawn at the exact same locations. Should an unforeseen issue with the pavement develop within the next year; the surety bond will cover the cost of the repair.
- A water leak is present behind The Pickle where frost has placed pressure on the service line. A repair will be made where the tap is pulling away from the main.

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- Town General Assistant Mike Grant will be accompanying Mr. Asher to LTAP class on March 20<sup>th</sup> in Fort Wayne.
- Mr. Asher was involved in an accident with the 2006 Case backhoe on March 7<sup>th</sup>. The roll-over protective system (ROPS) was damaged. Since a new ROPS with a brand new frame is estimated to take 120 days to arrive and would cost considerably more, a like-new used ROPS for \$17,000 including parts and labor has been located to make the repair sooner. Mr. Asher estimated a new backhoe to cost between \$42,000 and \$45,000. The estimate of \$17,000 includes \$488 to repair the rear wheel. He described the accident as snapping the left side of the machine in two, bending the rim and ripping tire off the rim. By consensus, Council approved the repair, which is covered under the insurance policy after the deductible is met.

Marshal John Markley submitted his monthly report. The new Caprice is currently being programmed for service, and this has been taking longer than anticipated.

Next on the Agenda was time allowed for Public Comment.

- Diane Wedler, chairperson of the Markle Wildcat Festival, came to thank the Council for the Town's 2013 donation. She has presented a letter to Administrative Coordinator Lara Ludlow requesting a donation for 2014. A discussion followed regarding the lot used at U.S. 224 and State Road 3 for advertising for the Festival. Town Supervisor Rick Asher stated that while the Town does have a Right-of-Way on the south side of U.S. 224, the Town does not own the land. President Humbarger noted that the committee is getting an earlier start this year, which will be good for the Festival. Ms. Wedler noted that the committee could use more volunteers. President Humbarger motioned for the Town to donate \$1,500 from the Riverboat Fund to the 2014 Wildcat Festival, seconded by Vice President Hamilton. Motion carried 3-0.
- Town General Assistant Mike Grant stated that the current bid for the 2001 Ford Crown Victoria is \$1,150. By consensus, the Council agreed to sell the car when the bidding process is completed.

In Old Business, the offer to lease space on the new water tower by OmniCity was withdrawn due to the sale of OmniCity to another company.

Further in Old Business, the issue of the Employee Handbook was discussed. Council reviewed the spreadsheet presented by Clerk-Treasurer Monticue calculating the cost of "paying out" banked sick days. The current handbook allows for 60 banked sick/personal days but Council approval must be granted to use banked days.

Wastewater Superintendent Scott Spahr stated that since the banked days belong to the employees, the employees should have the ability to use them without Council approval. Vice President Hamilton stated that "sick/personal" should be converted to "Paid Time Off (PTO)" with no need for permission or a doctor's note. He feels that the banked PTO should be capped at (30) days, with paying employees receiving pay for days banked in excess of (30) days. Those (30) days should be paid out at retirement to "reward longevity." President Humbarger stated that the main thing should be the removal of Council approval to utilize banked time.

President Humbarger motioned the following changes to the Employee Handbook: beginning in 2015, a maximum of (30) days could be banked by an employee and the term "sick/personal" would be changed to

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"PTO" and no Council approval or doctor's note would be required to use banked PTO time. Vice President Hamilton seconded the motion, and motion carried 3-0. With a "pay out" in excess of (30) days, Town Supervisor Rick Asher would be paid for (20) days, but he wishes to have his 2014 sick/personal days to be reevaluated at the end of the year. Mr. Spahr would have his (10) banked days "paid out" and he would now no longer be allowed to bank further days since he is at the (30) day maximum. Clerk-Treasurer Monticue will submit the revisions to Town Attorney Mike Hartburg.

Finally in Old Business, Council reviewed a counteroffer from the Huntington City-Township Public Library (HCTPL). In an attempt to find a solution to satisfy both entities in creating a permanent location for the Markle branch of the HCTPL and an ADA compliant Town Hall, the following offers have been exchanged: 1) The Town offered to sell the Town Hall lot for \$10,000 plus the cost of demolition, 2) the HCTPL offered to buy its current location for \$100,000, and most recently, 3) The Town offered to sell the Town Hall lot for half the cost of the demolition. The HCTPL Board has counteroffered with a proposal to buy the Town Hall lot for \$15,000 with the Town paying for the cost of demolition. The HCTPL would be responsible for backfill the vacated lot in order to verify the compaction of the fill. Town Supervisor Rick Asher verified that the HCTPL Board is aware of the setbacks and utility locations for both parcels.

President Humbarger noted, following a conversation with Town Attorney Mike Hartburg, that since the Town and the HCTPL are both public entities, real property can be transferred by agreement and the passage of substantially similar resolutions by each entity. The main problem with this offer is a temporary location for the employees located within the Town Hall. Town Marshal John Markley noted that the Police Department could borrow space from the Huntington County Sheriff's Department for storage of evidence. Vice President Hamilton noted that no plans for a new Police Department building had been developed yet. Town General Assistant Mike Grant noted that while it would not be large enough for permanency, the former EMS quarters could be used for either a temporary Police Department or Clerk-Treasurer's office. He also noted that the HCTPL will be receiving a lot with a hole and that the generator would be removed. Town Supervisor Rick Asher further noted that a conversation needed to be held with the Historical Society so that its items could be stored and maybe even rotated at the new, larger library.

President Humbarger noted his pleasure with the offer, but the Council can wait a month to review it if the other Councilmen need the extra time. Councilmember Bower motioned, rather, to accept the offer, seconded by President Humbarger. Motion carried unanimously 3-0. Within the next month, a dual resolution will be developed to formalize the transfer. The discussions of relocation and timelines will be discussed at the April Meeting.

At this time, Clerk-Treasurer Monticue delivered her report.

- A meeting with the Redevelopment Commission was held on March 11<sup>th</sup>. By consensus, Jeff Stockman remained President and Shelley Monticue remained Secretary. President Stockman voted to approve the 2013 RDC Report, seconded by Commission Member Tamra Boucher. Motion carried 3-0 and Clerk-Treasurer Monticue submitted the Report via the State's Gateway.

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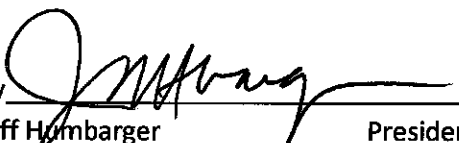
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- Four leak adjustments for Markle United Methodist Church, Judith Mower, Cheryl Thomas, and Regina Krach were submitted. Vice President Hamilton motioned to approve the adjustments, seconded by President Humbarger. Motion carried 3-0.

Clerk-Treasurer Monticue submitted 107 regular vouchers in the amount of \$143,816.02 for approval: 61 vouchers from the General Fund in the amount of \$89,269.66, 31 from the Water Fund in the amount of \$37,806.19, and 15 from the Wastewater Fund in the amount of \$16,740.17. Councilmember Bower motioned to approve all regular vouchers, seconded by President Humbarger. Motion carried 3-0, and vouchers were signed.

Clerk-Treasurer Monticue submitted two Tracy Street Right-of-Way acquisition vouchers in the amount of \$3,650.00. Vice President Hamilton motioned to approve all Tracy Street Right-of-Way acquisition vouchers, seconded by Councilmember Bower. Motion carried 2-0, with President Humbarger abstaining. Vouchers were signed.

Upon hearing no other business, President Humbarger motioned to adjourn at 8:35 P.M.

By   
Jeff Humbarger President

By Absent  
Rick Bower Councilmember

By   
Mark Hamilton Vice-President

Attest   
Shelley Monticue Clerk-Treasurer