

CITY COUNCIL MEETING

Monday December 14, 2009 at 7:00P.M.

The Common Council of the City of Crawfordsville, Indiana, met in regular session, 7:00 PM., December 14, 2009. Present were Mayor Charles Coons, who chaired the meeting. City Attorney David Peebles and Clerk-Treasurer Terri Gadd. Also present were Council members, Heather Perkins, Nellie Thompson, Ray Kirtley, Roger Rockenbaugh, and Patrick Taylor. Councilman George Parker and Councilman Denny Cook were not in attendance

Other officials in attendance were Fire Chief Eric Small, Plan Director Brandy Allen, Street Department Mark Cox, Wastewater Director Tom Mitchell, Storm Water Director Gary Weliver, Park and Recreation Director Roger Neal and Police Chief Kurt Knecht.

The Press was also present.

Chairman Coons called the meeting to order. Councilman Taylor led the pledge to the flag.

Councilman Rockenbaugh said the prayer.

Chairman Coons asked Clerk-Treasurer Terri Gadd to call the roll for the purpose of attendance all were present with the exception of Councilman George Parker and Councilman Denny Cook who were absent.

Councilman Kirtley moved to approve the minutes from the November 9, 2009 City Council meeting. Seconded by Councilwoman Thompson. The minutes were approved with a unanimous vote.

The roll was called for the purpose of any additions to the agenda. Councilwoman Thompson had one addition.

Chairman Coons called on Councilwoman Thompson to present the business of the Fiscal Affairs committee.

FISCAL AFFAIRS

The first item presented was the second reading of an ordinance adopting a new schedule of rates and charges for services rendered by Crawfordsville Electric Light & Power. Chairwoman Thompson moved to table the ordinance on second reading. Seconded by Councilman Rockenbaugh. Chairman Coons called for comments from the Council and public. Offering comments from the Council were members Taylor and Thompson. Hearing no further comments Chairman Coons called for the vote. The ordinance was tabled on second reading with a unanimous vote.

TABLED

The second item presented was a resolution creating a new fund: 618 Storm Water Utility Chairwoman Thompson moved to approve this resolution. Seconded by Councilman

Kirtley. Chairman Coons called for comments from the Council and public. Hearing no comments Chairman Coons called for the vote. The resolution passed with a unanimous vote.

RESOLUTION NO. 20 -2009

A RESOLUTION OF THE CRAWFORDSVILLE COMMON COUNCIL ESTABLISHING A STORM WATER OPERATING & MAINTENANCE FUND

WHEREAS the Crawfordsville Storm Water Utility will soon be receiving stormwater user fees and undertaking federally mandated Municipal Separate Storm Sewer System (MS4) measures as well as general storm water operations on its own, all pursuant to ordinances previously adopted by the Common Council of the City of Crawfordsville; and

WHEREAS it is therefore necessary to establish an operating and maintenance fund to support the Storm Water Utility in those missions,

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Crawfordsville that:

SECTION 1. There is hereby created a Storm Water Utility Operating & Maintenance Fund, Fund #618, for and within the Storm Water Utility of the City of Crawfordsville, which shall consist of any and all monies that said Utility may receive from any source, including but not limited to user fees and penalties, grants, donations, and appropriations, to be spent for the purpose of improving, maintaining and operating the Storm Water Utility.

SECTION 2. The Board of Directors of the Crawfordsville Storm Water Utility, as the body that oversees said Utility, shall be the body which approves expenses from this Fund and which approves claims from this Fund to be submitted to the Clerk-Treasurer.

SECTION 3. This resolution shall be effective upon passage.

Adopted by the Common Council of the City of Crawfordsville, Indiana, this 14 day of December, 2009, and approved by me, the Mayor of City of Crawfordsville, Indiana, on that date.

Signed///Charles E. Coons
Charles E. Coons, Mayor & Presiding Officer

Attest:

Signed///Terri Gadd
Terri Gadd, Clerk-Treasurer

The third item presented was a resolution acknowledging receipt of the 2010 Storm Water Department Budget. Chairwoman Thompson moved to approve the resolution. Seconded by Councilman Rockenbaugh. Chairman Coons called for comments from the Council and public. Hearing no comments Chairman Coons called for the vote. The resolution passed with a unanimous vote.

RESOLUTION NO. 21 -2009

**A RESOLUTION OF THE COMMON COUNCIL ACKNOWLEDGING
RECEIPT OF THE PROPOSED 2010 BUDGET FOR THE
CRAWFORDSVILLE STORMWATER DEPARTMENT**

BE IT HEREBY RESOLVED AND ACKNOWLEDGED by the Common Council of the City of Crawfordsville, Indiana, that the Crawfordsville Stormwater Department has timely filed its proposed budget for the year 2010 with the Common Council, all as provided by law.

Adopted by the Common Council of the City of Crawfordsville, Indiana, this 14th day of December, 2009, and approved by me, the Mayor of City of Crawfordsville, Indiana, on that date.

Signed///Charles E. Coons

Charles E. Coons, Mayor & Presiding Officer

Attest:

Signed///Terri Gadd

Terri Gadd, Clerk-Treasurer

The fourth item presented was a resolution acknowledging receipt of the 2010 Wastewater budget. Chairwoman Thompson moved to approve the resolution. Seconded by Councilman Kirtley. Chairman Coons called for comments from the Council and public. Hearing no comments Chairman Coons called for the vote. The resolution passed with a unanimous vote.

RESOLUTION NO. 22 -2009

**A RESOLUTION OF THE COMMON COUNCIL ACKNOWLEDGING
RECEIPT OF THE PROPOSED 2010 BUDGET FOR THE
CRAWFORDSVILLE WASTE WATER DEPARTMENT**

BE IT HEREBY RESOLVED AND ACKNOWLEDGED by the Common Council of the City of Crawfordsville, Indiana, that the Crawfordsville Waste Water Department has timely filed its proposed budget for the year 2010 with the Common Council, all as provided by law.

Adopted by the Common Council of the City of Crawfordsville, Indiana, this 14th day of December, 2009, and approved by me, the Mayor of City of Crawfordsville, Indiana, on that date.

Signed///Charles E. Coons

Charles E. Coons, Mayor & Presiding Officer

Attest:

Signed///Terri Gadd

The fifth item presented was a resolution acknowledging receipt of the 2010 CEL&P budget. Chairwoman Thompson moved to approve the resolution. Seconded by

Councilman Rockenbaugh. Chairman Coons called for comments from the Council and public. Offering comments from the Council were Councilwoman Perkins. Hearing no further comments Chairman Coons called for the vote. The resolution passed with a unanimous vote.

RESOLUTION NO. 23-2009

**A RESOLUTION OF THE COMMON COUNCIL ACKNOWLEDGING
RECEIPT OF THE PROPOSED 2010 BUDGET FOR THE
CRAWFORDSVILLE ELECTRIC LIGHT AND POWER COMPANY 2010**

BE IT HEREBY RESOLVED AND ACKNOWLEDGED by the Common Council of the City of Crawfordsville, Indiana, that it is hereby acknowledged Crawfordsville Electric Light and Power Company has filed its proposed budget for the year 2010 with the Common Council, all as provided by law.

Adopted by the Common Council of the City of Crawfordsville, Indiana, this 14th day of December, 2009, and approved by me, the Mayor of City of Crawfordsville, Indiana, on that date.

Signed///Charles E. Coons

Charles E. Coons, Mayor & Presiding Officer

Attest:

Signed///Terri Gadd

Terri Gadd, Clerk-Treasurer

The sixth item presented was a resolution acknowledging receipt of the 2010 Golf Course budget. Chairwoman Thompson moved to approve the resolution. Seconded by Councilman Rockenbaugh. Chairman Coons called for comments from the Council and public. Hearing no comments Chairman Coons called for the vote. The resolution passed with a unanimous vote.

RESOLUTION NO. 24 -2009

**A RESOLUTION OF THE COMMON COUNCIL ACKNOWLEDGING
RECEIPT OF THE PROPOSED 2010 BUDGET FOR THE
CRAWFORDSVILLE MUNICIPAL GOLF COURSE AUTHORITY**

BE IT HEREBY RESOLVED AND ACKNOWLEDGED by the Common Council of the City of Crawfordsville, Indiana, that the Crawfordsville Municipal Golf Course Authority has timely filed its proposed budget for the year 2010 with the Common Council, all as provided by law.

Adopted by the Common Council of the City of Crawfordsville, Indiana, this 14th day of December, 2009, and approved by me, the Mayor of City of Crawfordsville, Indiana, on that date.

Signed///Charles E. Coons

Charles E. Coons, Mayor & Presiding Officer

Attest:

Signed///Terri Gadd
Terri Gadd, Clerk-Treasurer

The seventh item presented was an ordinance approving participation of the City of Crawfordsville in the IMPA General Innovation Fund Program as a participating member. Chairwoman Thompson moved to place the ordinance on first reading. Seconded by Councilman Taylor. Chairman Coons called for comments from the Council and public. Offering comments from the Council were Councilwoman Perkins, Councilman Taylor and Councilwoman Thompson. Also offering comments were Mayor Charles Coons and Roy Kaser of CEL&P. Hearing no further comments Chairman Coons called for the vote. The ordinance was passed on first reading with a unanimous vote.

FIRST READING

Chairwoman Thompson moved to suspend the rules and place the ordinance on second reading. Seconded by Councilman Taylor. The motion to suspend the rules carried with a unanimous vote.

Chairwoman Thompson moved to place the ordinance on second reading. Seconded by Councilman Rockenbaugh. Chairman Coons called for comments from the Council and public. Hearing no comments Chairman Coons called for the vote. The ordinance was passed on second reading with a unanimous vote.

SECOND READING

Chairwoman Thompson moved to place the ordinance on third and final reading and so adopt. Seconded by Councilman Taylor. Chairman Coons called for comments from the Council and public. Hearing no comments Chairman Coons called for the vote. The ordinance was passed on third and final reading with a unanimous vote.

ORDINANCE 26-2009

INSERTED

Chairwoman Thompson moved to have an additional comment added to the minutes stating that the 2010 Accelplus budget was made available to all Council members. Seconded by Councilman Taylor. The motion passed with a unanimous voice vote.

Completing the business of the Fiscal Affairs committee Chairwoman Thompson turned the meeting over to Chairman Coons.

Chairman Coons called on Councilman Kirtley to present the business of the Ordinances and Petitions committee.

ORDINANCES AND PETITIONS

The first item presented was an ordinance rezoning 106 East Chestnut and 710, 712, and 716 South Washington Street from R-2 to B-1. Chairman Kirtley moved to place the ordinance on first reading. Seconded by Councilwoman Perkins. Chairman Coons called

for comments from the Council and the public. Offering comments from the Council were Councilman Taylor and Councilwoman Thompson. Offering comments from the public were John O'Dell, Stony McGaughy and Aaron Wall. Hearing no further comments Chairman Coons called for the vote. The ordinance was passed on first reading with a unanimous vote.

FIRST READING

The second item presented was an ordinance amending Ordinance #16-2004 raising the minimum bonds required of certain public officials. Chairman Kirtley moved to place the ordinance on first reading. Seconded by Councilwoman Thompson. Chairman Coons called for comments from the Council and the public. Hearing no comments Chairman Coons called for the vote. The ordinance was passed on first reading with a unanimous vote.

FIRST READING

Chairman Kirtley moved to suspend the rules and place the ordinance on second reading. Seconded by Councilwoman Perkins. The motion to suspend the rules carried with a unanimous vote.

Chairman Kirtley moved to place the ordinance on second reading. Seconded by Councilman Taylor. Chairman Coons called for comments from the Council and public. Hearing no comments Chairman Coons called for the vote. The ordinance was passed on second reading with a unanimous vote.

SECOND READING

Chairman Kirtley moved to place the ordinance on third and final reading and so adopt. Seconded by Councilman Taylor. Chairman Coons called for comments from the Council and public. Hearing no comments Chairman Coons called for the vote. The ordinance was passed on third and final reading with a unanimous vote.

ORDINANCE NO. 27-2009

AN ORDINANCE FIXING THE BOND OF OFFICERS AND EMPLOYEES OF THE CITY OF CRAWFORDSVILLE, INDIANA

WHEREAS, Indiana Code 5-4-1-18 and miscellaneous other statutes require certain municipal officials and employees to be bonded; and

WHEREAS, Indiana Code 5-4-1-18(b) also provides for blanket bonding of all municipal employees; and

WHEREAS, certain officials of the City of Crawfordsville are presently required to be bonded, which requirement is codified at §32.01 of the current Crawfordsville Municipal Code; and

WHEREAS, the City's present bonding amounts have been superseded and increased by the foregoing statutes; and

WHEREAS, certain City officials, such as the City Judge, no longer exist, and the bonding requirements for others do not correlate to their actual job duties; and

WHEREAS, the Mayor, Clerk-Treasurer, and Common Council of the City of Crawfordsville all desire to bring the City into compliance with any and all applicable bonding requirements and to ensure that City officials and employees are suitably bonded and insured,

NOW THEREFORE BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF CRAWFORDSVILLE, INDIANA, that:

SECTION 1. All city officials and employees who are required by law to be bonded shall be bonded in the amounts set forth in state law.

SECTION 2. In addition, all City officers and employees not specifically covered by the foregoing statutes shall be subject to a blanket bond in the minimum amount required by state law.

SECTION 3. (a) In light of the foregoing, the following bonding amounts are hereby adopted for the following officials of the City of Crawfordsville:

<u>Official</u>	<u>Bond Amount Required</u>
Clerk-Treasurer	\$300,000
Deputy Clerk-Treasurer	\$25,000
City Attorney	\$15,000
Chief of Police	\$15,000
Plan Director	\$15,000
Park & Recreation Director	\$50,000
Street Commissioner	\$15,000
CEL&P Manager	\$50,000
CEL&P Controller	\$300,000
Blanket Bond (all other employees & officials)	\$20,000

(b) Any official or employee not specifically named above shall be covered by and subject to the blanket bond of the City of Crawfordsville.

(c) In the event that the minimum requirements of state law change in the future, then those new requirements shall automatically become the minimum bonding requirements of the City of Crawfordsville, it being the intention of the Common Council of the City of Crawfordsville that the amounts set forth in section 3(a), above, be continuously updated to reflect the actual minimum requirements of state law.

SECTION 4. Any and all existing bonding ordinances and resolutions that conflict with this ordinance are hereby repealed, and the requirements and amounts set forth in this ordinance shall be substituted for the existing §32.01 of the Crawfordsville Municipal Code.

SECTION 5. This ordinance shall be in full force and effect upon its passage.

ADOPTED BY THE COMMON COUNCIL OF THE CITY OF CRAWFORDSVILLE, INDIANA, THIS 14th DAY OF December, 2009.

Signed Charles E. Coons
Charles E Coons, Mayor

PRESENTED TO ME BY THE MAYOR OF THE CITY OF CRAWFORDSVILLE,
INDIANA, THIS 14th DAY OF December, 2009.

Signed///Terri Gadd
Terri Gadd, Clerk Treasurer

THIS ORDINANCE APPROVED AND SIGNED BY ME, THIS 14 DAY OF
December, 2009.

Signed///Charles E. Coons
Charles E Coons, Mayor

ATTEST:

Signed///Terri Gadd
Terri Gadd, Clerk Treasurer
City of Crawfordsville

IC 5-4-1-18

Individual surety bonds for city, town, county, or township officers and employees; blanket bonds and crime policies; amount; review of amount; form

Sec. 18. (a) Except as provided in subsection (b), the following city, town, county, or township officers and employees shall file an individual surety bond:

- (1) City judges, controllers, clerks, and clerk-treasurers.
- (2) Town judges and clerk-treasurers.
- (3) Auditors, treasurers, recorders, surveyors, sheriffs, coroners, assessors, and clerks.
- (4) Township trustees.
- (5) Those employees directed to file an individual bond by the fiscal body of a city, town, or county.
- (6) Township assessors (if any).

(b) The fiscal body of a city, town, county, or township may by ordinance authorize the purchase of a blanket bond or a crime insurance policy endorsed to include faithful performance to cover the faithful performance of all employees, commission members, and persons acting on behalf of the local government unit, including those officers described in subsection (a).

(c) Except as provided in subsections (h) and (i), the fiscal bodies of the respective units shall fix the amount of the bond of city controllers, city clerk-treasurers, town clerk-treasurers, Barrett Law fund custodians, county treasurers, county sheriffs, circuit court clerks, township trustees, and conservancy district financial clerks as follows:

- (1) The amount of annual coverage must equal thirty thousand dollars (\$30,000) for each one million dollars (\$1,000,000) of receipts of the officer's office during the last complete fiscal year before the purchase of the bond, subject to subdivision (2).
- (2) The amount of annual coverage may not be less than thirty thousand dollars (\$30,000) nor more than three hundred thousand dollars (\$300,000) unless the fiscal body approves a greater amount of annual coverage for the officer or employee. County auditors shall file bonds that provide annual coverage of not less than thirty thousand dollars (\$30,000), as fixed by the fiscal body of the county. **The amount of annual coverage of the bond of any other person required to file an individual bond shall be fixed by the fiscal body of the unit at not less than fifteen thousand dollars (\$15,000).**

(d) Except as provided in subsection (j), a controller of a solid waste management

district established under IC 13-21 or IC 13-9.5 (before its repeal) shall file an individual surety bond in an amount:

- (1) fixed by the board of directors of the solid waste management district; and
- (2) that is at least thirty thousand dollars (\$30,000) in annual coverage.

(e) Except as provided under subsection (d), a person who is required to file an individual surety bond by the board of directors of a solid waste management district established under IC 13-21 or IC 13-9.5 (before its repeal) shall file a bond in an amount fixed by the board of directors.

(f) In 1982 and every four (4) years after that, the state examiner shall review the bond amounts fixed under this section and report in an electronic format under IC 5-14-6 to the general assembly whether changes are necessary to ensure adequate and economical coverage.

(g) The commissioner of insurance shall prescribe the form of the bonds or crime policies required by this section, in consultation with the commission on public records under IC 5-15-5.1-6.

(h) Notwithstanding subsection (c), the state board of accounts may fix the amount of the bond for a city controller, city clerk-treasurer, town clerk-treasurer, Barrett Law fund custodian, county treasurer, county sheriff, circuit court clerk, township trustee, or conservancy district financial clerk at an amount that exceeds thirty thousand dollars (\$30,000) for each one million dollars (\$1,000,000) of receipts of the officer's office during the last complete fiscal year before the purchase of the bond. However, the bond amount may not exceed three hundred thousand dollars (\$300,000). An increased bond amount may be established under this subsection only if the state examiner issues a report under IC 5-11-5-1 that includes a finding that the officer engaged in malfeasance, misfeasance, or nonfeasance that resulted in the misappropriation of, diversion of, or inability to account for public funds.

(i) Notwithstanding subsection (c), the state board of accounts may fix the amount of the bond for any person who is not described in subsection (h) and is required to file an individual bond at an amount that exceeds fifteen thousand dollars (\$15,000). An increased bond amount may be established under this subsection only if the state examiner issues a report under IC 5-11-5-1 that includes a finding that the person engaged in malfeasance, misfeasance, or nonfeasance that resulted in the misappropriation of, diversion of, or inability to account for public funds.

(j) Notwithstanding subsection (d), the state board of accounts

may fix the amount of the bond for a controller of a solid waste management district established under IC 13-21 or IC 13-9.5 (before its repeal) at an amount that exceeds thirty thousand dollars (\$30,000). An increased bond amount may be established under this subsection only if the state examiner issues a report under IC 5-11-5-1 that includes a finding that the controller engaged in malfeasance, misfeasance, or nonfeasance that resulted in the misappropriation of, diversion of, or inability to account for public funds.

As added by Acts 1981, P.L.47, SEC.3. Amended by P.L.54-1989, SEC.1; P.L.49-1989, SEC.5; P.L.33-1992, SEC.2; P.L.49-1995, SEC.4; P.L.1-1996, SEC.36; P.L.28-2004, SEC.56; P.L.146-2008, SEC.34; P.L.176-2009, SEC.1.

IC 5-4-1-19

Individual surety bonds for city, town, county, or township officers and employees; faithful performance of duties

Sec. 19. The bonds prescribed by IC 5-4-1-18 cover the faithful performance of the duties of the officer or employee, including the duty to comply with IC 35-44-1-2 and the

duty to account properly for all monies and property received by virtue of his position or employment.

As added by Acts 1981, P.L.47, SEC.4.

The third item presented was a resolution appointing a new Commissioner to the Indiana Municipal Power Agency. Chairman Kirtley moved to approve this resolution. Seconded by Councilwoman Perkins. Chairman Coons called for comments from the Council and public. Hearing no comments Chairman Coons called for the vote. The resolution passed with a unanimous vote.

RESOLUTION 25-2009

INSERTED

Completing the business of the ordinances and Petitions committee Chairman Kirtley turned the meeting over to Chairman Coons.

TRAFFIC, PARKING & SAFETY

ANNEXATION

MISCELLANEOUS

There will be a special Council meeting on January 4, 2010 at 6:00PM to discuss Council appointments to various Boards and Commissions.

ADJOURNMENT

There being no further business, Chairman Coons moved to adjourn seconded by Councilwoman Perkins the meeting was adjourned at 7:59 PM.

Signed by me this 11th day of January, 2010

Signed///Charles E. Coons

Charles E. Coons, Mayor

ATTEST:

Signed///Terri Gadd

Terri Gadd, Clerk Treasurer

City of Crawfordsville