

SPECIAL CITY COUNCIL MEETING

Monday, May 16, 2011 at 7:00 p.m.

The Common Council of the City of Crawfordsville, Indiana, met in special session at 7:00 p.m., May 9, 2011. Present were Mayor Charles Coons, who chaired the meeting, City Attorney David Peebles and Clerk-Treasurer Terri Gadd. Also present were Council members Nellie Thompson, Heather Perkins, Roger Rockenbaugh, Dennis Cook, Patrick Taylor and Raymond Kirtley.

Other officials in attendance were Street Commissioner – Scott Hesler, Fire Chief – Eric Small, Storm Water Department Director – Gary Weliver, Planning Department Director – Brandy Allen, Park & Rec Director – Roger Neal and Waste Water Director – Tom Mitchell.

The Press was also present.

Chairman Coons called the meeting to order.

Councilwoman Perkins 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, Councilman Parker was absent.

The roll was called for the purpose of any additions to the agenda. There were no additions.

Chairman Coons turned the meeting over to Chairman Kirtley to present the business of Committee of the Whole.

Chairman Kirtley moved to adjourn and reconvene as Committee of the Whole. Councilman Cook seconded. The motion passed with a unanimous voice vote.

COMMITTEE OF THE WHOLE

The first item presented was an ordinance making an additional appropriation for the year 2011 (Street Department bucket truck). Councilman Taylor moved to forward the ordinance to the full council. Councilwoman Thompson seconded. Chairman Coons called for comments from the council and public. Offering comments were Councilwoman Thompson, Clerk-Treasurer Gadd, Street Commissioner Hesler, Councilwoman Perkins, Councilman Cook and Mayor Coons. Hearing no further comments, Chairman Kirtley called for the vote. The ordinance was moved to the full council with a unanimous voice vote.

The second item presented was an ordinance authorizing an additional appropriation from the Crawfordsville Square Allocation Fund for the Ivy Tech Project. Counselor Peebles advised the Redevelopment Commission was requesting the Council table the ordinance. Councilman Cook seconded. Chairman Kirtley called for comments. Offering comments were Councilman Taylor, Councilwoman Thompson, Counselor Peebles. Hearing no further comments, Chairman Kirtley called for the vote. The ordinance was tabled, in Committee of the Whole, with a five to one vote. Councilman Taylor voted nay.

Phil Goode approached the Council with a contract between the City of Crawfordsville and the Office of Energy Development. They would like to give a free energy audit to the City of Crawfordsville, but they need a signature from an elected official stating Crawfordsville is willing to have a free audit for their buildings and facilities. Councilwoman Thompson moved to authorize Mayor Coons to sign the appropriate documents on behalf of the City. Councilman Taylor seconded. Councilman Cook, Councilwoman Perkins, Councilman Taylor, Tom Mitchell, Roger Neal and Phil Goode commented. Hearing no further comments, Councilwoman Perkins called for the vote. The motion carried with a four to two vote. Councilman Cook and Councilwoman Perkins voted nay.

Chairman Kirtley moved to adjourn as the Committee of the Whole and reconvene as the full council. Councilman Cook seconded.

Chairman Coons turned the meeting over to Chairman Rockenbaugh to present the business of the Fiscal Affairs.

FISCAL AFFAIRS

The first item presented was a resolution approving an interlocal cooperation agreement for the provision of PSAP and communication services. Chairman Rockenbaugh moved to take the resolution off the table. Councilwoman Perkins seconded. Chairman Coons called for the vote. The resolution was moved off the table with a unanimous voice vote.

Chairman Rockenbaugh moved to pass the resolution. Councilwoman Perkins seconded. Chairman Coons called for comments from the council and public. Offering comments were Councilwoman Perkins, Councilwoman Thompson, Councilman Cook, Counselor Peebles, Deanna Durrett, Councilman Taylor, Clerk-Treasurer Gadd, Jim Capehart, County Councilman Chastain and Councilman Rockenbaugh. Councilman Rockenbaugh moved to pass the resolution with amendments. Councilwoman Perkins seconded. Hearing no further comments, Chairman Coons called for the vote. The resolution passed with a unanimous vote.

RESOLUTION # 28 - 2011

**A RESOLUTION APPROVING AN
INTERLOCAL GOVERNMENTAL COOPERATION AGREEMENT
FOR THE PROVISION OF PSAP AND COMMUNICATIONS SERVICES**

WHEREAS, the public safety answering point (PSAP) and communications operations of Montgomery County, Indiana and the City of Crawfordsville, Indiana, (“the City”) are undergoing reorganization, to be effective in 2012; and

WHEREAS, as a result of that reorganization, it is necessary to make provisions by agreement between the County and City for governing, operating, and funding those operations; and

WHEREAS, an interlocal agreement with respect to the foregoing has been prepared pursuant to Indiana Code 36-1-7 for mutual approval by the County and City as set forth in said statute; and

WHEREAS, the Common Council, as the fiscal body of the City, has reviewed that agreement, including the funding provisions therein, and hereby approves of same,

NOW THEREFORE BE IT RESOLVED that the interlocal cooperation agreement between the City of Crawfordsville and Montgomery County concerning PSAP and communications operations as presented to the Common Council and attached hereto is hereby approved. This resolution shall be in full force and effect from and after its passage.

Adopted by the Common Council of the City of Crawfordsville, and approved by me, its Mayor, this 16th day of May, 2011.

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

ATTEST: Signed\\ Terri Gadd
Terri Gadd, Clerk Treasurer

The second item presented was an ordinance making an additional appropriation for the year 2011 (Common Council Attorney). Chairman Rockenbaugh moved to place the ordinance on second reading. Councilwoman Perkins seconded. Chairman Coons called for comments from the council and public. Hearing none, the roll was called for the vote. The ordinance passed second reading with a unanimous vote.

(Second Reading)

Chairman Rockenbaugh moved to place the ordinance on third and final reading and so adopt. Councilwoman Perkins seconded. Chairman Coons called for comments from the council and public. Counselor Peebles advised the council they could not pass this on final reading as the public hearing has not been held. Chairman Rockenbaugh withdrew his motion for third and final reading. Councilwoman Perkins withdrew her second.

The third item presented was an ordinance authorizing the execution and delivery of the mutual release and termination agreement by and between the City of Crawfordsville and the Indiana Municipal Power Agency. Chairman Rockenbaugh moved to take the ordinance off the table. Councilwoman Thompson seconded. Chairman Coons called for the vote. The motion passed with a unanimous vote.

Chairman Rockenbaugh moved to place the item on first reading. Councilman Taylor seconded. Chairman Coons called for comments from the council and public. Hearing none, Chairman Coons called for the vote. The ordinance passed first reading with a unanimous vote.

Chairman Rockenbaugh moved to suspend the rules. Councilman Cook seconded. Chairman Coons called for a voice vote. The motion carried with a unanimous voice vote.

Chairman Rockenbaugh moved to place the ordinance on second reading. Councilman Taylor seconded. Chairman Coons called for the vote. The ordinance passed second reading with a unanimous vote.

Chairman Rockenbaugh moved to place the ordinance on third and final reading and so adopt. Councilman Taylor seconded. Chairman Coons called for comments from the council and public. Hearing none, the roll was called for the vote. The ordinance passed third and final reading with a unanimous vote.

ORDINANCE NO. 10 - 2011

**AN ORDINANCE OF THE CITY OF CRAWFORDSVILLE, INDIANA,
AUTHORIZING THE EXECUTION AND DELIVERY OF THE
MUTUAL RELEASE AND TERMINATION AGREEMENT BY AND
BETWEEN THE CITY OF CRAWFORDSVILLE AND THE INDIANA
MUNICIPAL POWER AGENCY**

WHEREAS, the City of Crawfordsville (the "City") is a municipal corporation Created and existing under the laws of the State of Indiana and is a member in good Standing of the Indiana Municipal Power Agency (the "Agency"), a body corporate and politic and political subdivision of the State of Indiana, created pursuant to Ind. Code § 8-1-2.2 (the "Act"); and

WHEREAS, the City, by and through the Crawfordsville Utility Service Board (the "Board"), owns and operates a municipal electric utility known as Crawfordsville Electric Light & Power ("CEL&P" or "Utility") for the purpose of distributing electricity in said City and surrounding areas; and

WHEREAS, the Utility owns and operates a coal-fired electric generating plant with a capacity of approximately 24 MW (the “Power Plant”); and

WHEREAS, the City purchases all of its requirements for electric power and energy from the Agency pursuant to the terms of a Power Sales Contract; and

WHEREAS, at the time the City entered into the Power Sales Contract, it also entered into a Capacity Purchase Agreement (the “CPA”) with the Agency under which it dedicated use of the Power Plant (the “Dedicated Capacity”) to the Agency in exchange for the Agency’s payments to CEL&P for capacity and energy produced by the Dedicated Capacity in accordance with a formula set forth in the CPA, as amended; and

WHEREAS, the CPA provides that the Utility shall operate the Dedicated Capacity for the production of electric energy only for sale to the Agency and only when requested by the Agency; and

WHEREAS, CEL&P’s costs to keep the Power Plant available to be scheduled to generate power and energy exceed the payments it is receiving from the Agency for use of Dedicated Capacity, which means that the Power Plant has been and is operating at an annual loss; and

WHEREAS, the City and the Agency now seek to terminate the CPA effective June 1, 2011; and

WHEREAS, the Mutual Release and Termination Agreement is marked as Exhibit A and is attached hereto, and incorporated by reference, and two (2) copies are on file in the office of the Clerk-Treasurer for public inspection pursuant to Ind. Code § 36-1-5-4; and

WHEREAS, the Mutual Release and Termination Agreement provides that “[t]he City and the Agency expressly agree, effective June 1, 2011, the CPA, together with any and all exhibits, addenda and amendments thereto, including the First Amendment, is hereby terminated and of no further force or effect;” and

WHEREAS, the Crawfordsville Utility Service Board found and determined in Resolution No. _____ that it is in the best interest of the City to execute and deliver the Mutual Release and Termination Agreement; and

WHEREAS, based upon the foregoing, the City, by this Ordinance, hereby determines to approve the Mutual Release and Termination Agreement.

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

SECTION 1. The City is authorized pursuant to this Ordinance to enter into the Mutual Release and Termination Agreement in the form attached hereto as Exhibit A.

SECTION 2. The findings and determinations set forth in the preambles to this Ordinance are hereby made findings and terminations of the City of Crawfordsville.

SECTION 3. By this Ordinance, the Mayor is hereby authorized to attest and seal, the Mutual Release and Termination Agreement.

SECTION 4. All Ordinances and parts of ordinances in conflict herewith are hereby repealed.

SECTION 5. This Ordinance shall be in full force and effect from and after its passage.

(Remainder of page left intentionally blank. Signatures on following page.)

PASSED AND ADOPTED by the Common Council of the City of
Crawfordsville, this 16th day of May, 2011.

COMMON COUNCIL OF THE CITY OF
CRAWFORDSVILLE, INDIANA

Signed\\Raymond Kirtley

Presiding Officer

ATTEST:

Signed\\ Terri Gadd

Clerk-Treasurer

(SEAL)

Presented by me, the undersigned Clerk-Treasurer of the City of Crawfordsville to the Mayor of said City for his/her approval on the 16th day of May, 2011, at 7:00 P.M.

Signed\\ Terri Gadd

Clerk-Treasurer

Approved by me, the undersigned Mayor of said City on the 16th day of May, 2011 at 7:00 P.M.

Signed\\ Charles E. Coons

Mayor, City of Crawfordsville

The fourth item presented was an ordinance making an additional appropriation for the year 2011 (Street Department bucket truck). Chairman Rockenbaugh moved to place the item on first reading. Councilman Taylor seconded. Chairman Coons called for comments from the council and public. Hearing none, the roll was called for the vote. The ordinance passed first reading with a unanimous vote.

(First Reading)

ANNEXATION

ORDINANCES AND PETITIONS

TRAFFIC, PARKING & SAFETY

Mayor Coons turned the meeting over to Council President Kirtley for the business of Miscellaneous.

MISCELLANEOUS

Council members discussed their appointment to the Library Board. The previously approved appointment, Terri Grant, had already been appointed as the County Council appointment. Councilwoman Perkins moved to appoint Lucy Brooks to the Library Board. Councilman Rockenbaugh seconded. The motion carried with a unanimous voice vote.

Councilman Taylor moved to add the issue of the previously discussed energy audit to the agenda. Councilwoman Thompson seconded. Chairman Coons called for the vote. The motion carried with a four to two voice vote. Councilman Cook and Councilwoman Perkins voted nay.

Councilman Taylor moved to pass the resolution to authorize Mayor Coons to sign the energy audit grant from the Indiana Office of Energy Development. Chairman Coons called for comments from the council and public. Offering comments were Councilman Cook and Councilman Perkins. Chairman Coons called for the vote. The motion carried with a four to two vote. Councilman Cook and Councilwoman Perkins voted nay.

Councilwoman Thompson moved to add the issue of a council appointment to the E911 Governing Board. Councilman Rockenbaugh seconded. The motion carried with a unanimous voice vote. Councilwoman Perkins nominated Councilwoman Thompson. Councilman Rockenbaugh seconded. The motion carried with a unanimous voice vote.

ADJOURNMENT

There being no further business, Chairman Coons moved to adjourn. Seconded by Councilwoman Perkins. The meeting was adjourned at 8:25 p.m.

Signed by me this 13th day of June, 2011.

Signed\\Charles E. Coons
Charles E. Coons, Mayor

ATTEST:

Signed\\Terri Gadd
Terri Gadd, Clerk-Treasurer
City of Crawfordsville